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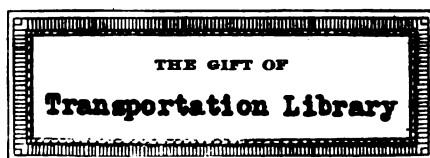
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DOCUMENTS
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ASSEMBLY
OF THE
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FIFTY-FOURTH SESSION,
1831.

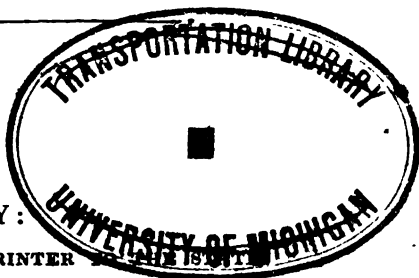
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Young, William C.	24
Yates county, <i>see</i> Domestic distilled spirits,	
Youle, Adam W. inspector of beef and pork, returns of,	157
Yates county, <i>see</i> Town auditors.	

OFFICIAL LIST
OF THE
MEMBERS OF ASSEMBLY,
ELECTED IN NOVEMBER, 1830.

- Albany*—Peter Gansevoort, Wheeler Watson, Peter W. Winne.
Allegany—Daniel Ashley.
Broome—Peter Robinson.
Cattaraugus—Russell Hubbard.
Cayuga—Peter Yawger, Solomon Love, George S. Telford, Elias Manchester.
Chataugue—John Birdsall, Squire White.
Chenango—Ira Wilcox, Joseph Juliand, Jarvis K. Pike.
Clinton—John Walker.
Columbia—John W. Edmonds, John S. Harris, Pliny Hudson.
Cortland—Fredus Howard, Charles Richardson.
Delaware—Peter Pine, David P. Mapes.
Dutchess—William Hooker, Joel Benton, John E. Townsend, Samuel B. Halsey.
Erie—Millerd Fillmore, Nathaniel Knight.
Essex—Joseph S. Weed.
Franklin—James B. Spencer.
Genesee—Charles Woodworth, Stephen Griswold, Robert Earll, junior.
Greene—Lewis Benton, John I. Brandow.
Herkimer—Atwater Cooke, Junior, Nicholas Lawyer, Olmsted Hough.
Jefferson—Walter Cole, Fleury Keith, Joseph C. Budd.
Kings—Coe S. Downing.
Lewis—Harison Blodget.
Livingston—Jerediah Horsford, James Percival.
[A. No. 1.]

Madison—Robert Henry, John Whitman, Stephen B. Hoffman.

Monroe—Samuel G. Andrews, Isaac Lacey, Peter Price.

Montgomery—William Rob, Platt Potter, Josiah O. Brown.

New-York—James Morgan, Silas M. Stilwell, Dudley Selden, Charles L. Livingston, Gideon Ostrander, Abraham Cargill, Nathaniel Jarvis, Isaac L. Varian, Jacob S. Bogert, Mordecai Myers, Dennis McCarthy.

Niagara—Henry Norton.

Oneida—Arnon Gomstock, Reuben Bettis, Riley Shepard, John F. Trowbridge, David Moulton.

Onondaga—Thomas I. Gilbert, Otis Bigelow, Jared H. Parker, Elisha Litchfield.

Ontario—John C. Spencer, Samuel Rawson, Thomas Otley.

Orange—Edward Blake, James Hulse, Robert Fowler.

Orleans—John H. Tyler.

Oswego—Joel Turrill.

Otsego—Henry Clark, Schuyler Crippen, Eben B. ~~Morehouse~~, Peter Collier.

Putnam—Bennet Boyd.

Queens—Thomas Tredwell.

Rensselaer—George R. Davis, Aaron Worthington, Martin Springer, Chester Griswold.

Richmond—John T. Harrison.

Rockland—John J. Eckerson.

Saratoga—Oran G. Otis, Howell Gardner, John Gilchrist.

St. Lawrence—Asa Sprague, Joseph Freeman.

Schoharie—Robert Eldredge, Daniel Hager, junior.

Schenectady—Aaron Carroll.

Seneca—John Sayre, Benjamin Woodruff.

Steuben—Josiah Dunlap, Paul C. Cook.

Suffolk—George S. Phillips, George L. Conklin.

Sullivan—James C. Curtice.

Tioga—John G. McDowell, David Williams.

Tompkins—John Ellis, John Saylor, Jehial Ludlow.

Ulster—Jacob I. Schoonmaker, John Van Buren.

Warren—Samuel Stackhouse.

Washington—William Townsend, George W. Jermain, Henry Thorn.

Wayne—Seth Eddy, Ananias Wells.

Westchester—Aaron Vark, St. John Constant, Thomas Murphy.

Yates—Aaron Remer.

STATE OF NEW-YORK, }
Secretary's Office. }

I certify the preceding to be a true list of the names of Members of Assembly elected in this State, at the general election held in the month of November last, according to the official returns from each county clerk received at this office.

In testimony whereof, I have hereunto affixed the
[L. s.] seal of this office, at the city of Albany, the 31st day of
December, 1830.

A. C. FLAGG,

Secretary of State.

IN ASSEMBLY,

January 4, 1831.

**Documents accompanying the Governor's
Message.**

[No. I.]

**Letter from the Attorney-General, concerning the Boundary
Line between this State and the State of New-Jersey.**

Albany, December 27, 1830.

SIR—

In a former communication to your Excellency, (Legislative Documents of 1830, No. IV.) I mentioned the commencement of a suit by the state of New-Jersey, against the people of this state, relative to the question of disputed boundary between the parties. The Supreme Court of the United States, at its last term, decided that the process previously issued in the suit, had not been duly served; and, without disposing of the question of jurisdiction, awarded further process. This has subsequently been served upon the Governor and Attorney-General, and is returnable on the first day of the next January term of that court. It is probable that the counsel for New-Jersey will then move for some order or decree in the cause, which will make it necessary for the court to decide whether it can exercise original and compulsory jurisdiction over a state. Upon this question, I have seen no cause to change the opinion expressed in my former communication.

I am, with great respect,

Your Excellency's

Ob't. humble servant,

GREENE C. BRONSON,

Attorney-General.

His Excellency, Governor THROOP.

[No. II.]

Letter from the Attorney-General, concerning the Claim
of John Jacob Astor and others.*Albany, December 29, 1830.*

SIR—

Since the adjournment of the Legislature, two of the suits brought upon the claim of John Jacob Astor, and others, to certain lands in the counties of Putnam and Dutchess, have been tried, and judgments have been rendered therein in favor of the plaintiff.—Bills of exceptions were prepared for the purpose of reviewing those judgments in the Supreme Court of the United States, pursuant to the acts of the legislature of the years 1827 and 1828, upon that subject.

I had hoped that nothing would prevent a decision of the causes, at the next January term of the appellate court; but a difficulty that has arisen about the settlement of the cases, has rendered such a result impracticable, without the abandonment on the part of the defence, of what I consider important and legal rights.

Upon each of the trials, a very able charge was delivered to the jury: the substance of which was inserted in the bills of exceptions, because the counsel for the defence believed it objectionable in point of law. The counsel for the plaintiff proposed to strike out this part of the case, and the whole was struck out on the settlement of the bills by the court. Upon learning this result, I lost no time in asking the Circuit Court to reconsider its determination, and respectfully insisted on the insertion of the charges as matter of legal right. But the court adhered to its first determination, and the bills as settled, do not even mention that a charge was delivered to the jury.

Although I was very desirous to terminate this litigation as soon as possible, and in any event to avoid any complaint of delay from the opposite party, I could not without a dereliction of duty, proceed to bring writs of error, until a further effort had been made to correct the bills of exceptions. I have therefore declined engrossing the bills to be signed; and shall (if not otherwise instructed) take the proper measures to bring the subject before the Supreme Court of the United States, at its next term, by way of a motion for a mandamus to the Circuit Court; and whatever may be the result of this proceeding, I shall then have done all that the forms of law either authorise or require, for obtaining a proper settlement of the cases.

I am, with great respect,

Your Excellency's

Ob't. humble servant,

GREENE C. BRONSON,

Attorney-General.

His Excellency, Governor THROOP.

[No. III.]

Letter from the Special Counsel, concerning the Morgan Trials.

To his Excellency ENOS T. THROOP, Acting Governor of the State of New-York :

SIR—

It is my duty to report to you the progress I have made in the discharge of the duties of Special Counsel for conducting the prosecutions against those alleged to be concerned in the outrages committed on William Morgan.

The very late period at which I received your letter intimating your wish to devolve this business on me, left me but a few days to arrange my business, so that I could leave it and travel post haste to the place assigned for holding the special circuit designed for the trial of a part of these causes.

Not having been previously initiated into the peculiar questions which these causes involved, and a stranger to the witnesses, their habits, character and inclinations towards the prosecutions; and finding on my arrival there, many of the material witnesses absent, I was necessarily tardy in the commencement and progress of the causes.

I found there four indictments to be tried; and tried two of them. One against Brown and Wright, who were both acquitted; and one against Ezekiel Jewit and another. Jewit alone was tried and acquitted. The other defendant in that indictment was represented to the court by his counsel to be so sick, that his life was despaired of. His counsel opposed his trial then on that ground. Under that suggestion I moved the separate trial of Jewit the co-defendant.

The time consumed in preparing for these trials and getting through with them, and the incidents occurring on the trials, imposed, as I thought, a duty upon me to move an adjournment of the court.

As to one indictment against several yet untried, a very material witness in behalf of the prosecution was found to be so situated that he refused to testify, and under the decision of the court in the case of Mather, I thought the objection well taken. This witness had been included in that indictment as one of the defendants, and the supreme court, on the motion of my predecessor, had ordered a nolle prosequi as to him on the indictment. This course had been taken with a view to use him as a witness. He was called upon the stand to testify in one of the causes tried, and refused to testify on the ground that there was still another indictment pending against him for the same matter. This was probably unknown or not adverted to by my predecessor. It was unknown to me until the fact came out on the trial. That indictment was pending in the oyer and terminer of Niagara county. But at the time the fact came to my knowledge, the court of oyer and terminer (in session in connection with the special circuit) had been adjourned without day, the judges

being impatient to be dismissed, and no business occurring to me as likely to need their attendance.

Under those circumstances, a necessity seemed to be imposed upon me to have the special circuit adjourned to some day beyond the then next oyer and terminer for the county of Niagara, so that at such court a nolle prosequi might be had on the old indictment. That next court being the sixteenth of November, it was adjourned over to the second Monday of January; a nolle prosequi has been had upon the former indictment, and the objection is now removed.

The course taken by some of the witnesses at the Lockport circuit, and the satisfactory evidence that we had, that other material and important witnesses had either voluntarily absented themselves, or been persuaded to abscond, were additional considerations, as I thought, why it was not my duty to put any more on trial then, for the mere purpose of a formal acquittal.

The course of witnesses alluded to, was that of one who refused to answer questions decided by the court to be proper and pertinent, and that of two others who refused to be sworn at all. These were promptly punished by the court for the contempts. Another absconded during the trial in which his testimony was wanted. How far the contumacious witnesses were influenced to the course they took, by the persuasions or advice of interested friends, I have no means of knowing, but presume that the ascertained legal consequences of such conduct, or the manner in which public opinion has relished it, will prevent a repetition of such acts of defiance against the authority of the government.

At the recent trial of Gillis, Whitney, one of the witnesses who refused at Lockport to be sworn, altered his course and testified.— Had he testified at Lockport to what he has since, and had Bruee testified there to what he had before, I believe the only possible point of uncertainty with the jury in the case of Brown and Wright, (that of Morgan's being in the carriage with which they had to do,) would have been dispelled. As to Turner, who refused on the trial of Ezekiel Jewet, to testify to the facts believed to be within his knowledge, we have not the same certain means of knowing that his testimony should have convicted the defendant.

As to the witness Giddings who absconded during the trial of Jewit, his course was equally a surprize upon the prosecution. It is known that he had once before been presented before a court in Ontario county and there rejected for the want of the supposed requisite religious belief.

Soon after my arrival at Lockport, I was addressed by the defendant's counsel to know if I should examine him. I took time to ascertain all the facts so as to answer understandingly, but reciprocating the freedom which dictated the inquiry, I asked the defendant's counsel to say to me whether, if he were examined, any attack would be made upon his character for truth and veracity. I received for answer that his character in that respect would not be attacked, for they knew it could not be. Having made deliberate examination as to the extent of the testimony in the power of the prosecution to produce, to sustain him on the matter of fact ruled against him in Ontario; and also having formed a most deliberate conviction that

that decision was erroneous in point of law, and after the assurance of the defendant's counsel as to his character for truth and veracity, which I found confirmed on inquiry, I felt bound to say that I should examine him if permitted. Any remarks upon the reasons for his departure, would be improperly introduced here, as he has yet to answer for that.

One other incident disclosed upon the Lockport trials, seems to be of such a nature as to deserve to be brought officially to the notice of your Excellency. One witness persisted in swearing impliedly to the murder of Morgan, in order to protect himself from answering the questions put to him; swearing, as the reason for such refusal, that he might thereby implicate himself as an accessory before the fact in the murder of William Morgan; and persisted in the answers after being cautioned by the Judge that he would perjure himself by such answers, unless Morgan was in fact murdered, and unless he had satisfactory knowledge or information of the fact, or at least something more than mere hearsay or public rumor; and that if the laws of man did not punish him, the laws of God would.

Mature reflection on this incident, as well as the general history of these prosecutions, where we have found so many stratagems resorted to, to frustrate inquiry, has induced me to venture the suggestion, whether the constitutional guarantee that no man in a criminal case should be compelled to be a witness against himself, ought not to be placed by a general statute upon a different footing than that of a judicial immunity from testifying, on the ground that such testimony may be subsequently used for the conviction of the witness. Ought not the witness to be compelled to testify; and would not his security from any ill effects of such disclosure be sufficient, if that testimony were inadmissible in any criminal case against himself? That is a principle already recognized in our statute book, and I see no reason why it should not be made general. (See 2d Revised Laws, 174, sec. 42.) If this security be not thought adequate in cases of high crimes, then permit the government, under the special direction of the chief magistrate, in all such cases, to use the same means to compel an associate to testify as any other witness, and make the giving of such testimony a bar to all prosecutions against the witness for any participation in the alleged offence: I say, provide by a *general statute*, for I would not suggest for these cases a special law.

It would seem that such general statute would be preferable to any common law practice of favoritism, or the practice of giving rewards to witnesses to testify; a practice occasionally resorted to by most governments, but not congenial to the feelings of our people.

The great duty of the government to protect its citizens, administer justice impartially and punish the guilty, would seem to impose on it the duty of adapting its laws to the improved ingenuity of those who break the law.

At the November general sessions in Ontario county, James Gillis was tried. This was the only indictment remaining untried in that county. This defendant had been before once tried, and the jury discharged because they could not agree. The testimony against him on this trial was wholly circumstantial, and seems

not to have been so conclusive in the minds of the jury who tried him, as to warrant his conviction. This defendant and his brother moved to the southwestern part of Pennsylvania soon after Morgan's abduction, and took with them an apprentice of the brother, who is now reported to me to remain there in the employ of the defendant. If his evidence, as given before the grand jury on the finding of this indictment, be correctly reported to me, the strength of this case was materially impaired by our inability to command his testimony. But he was beyond our reach. -

There are two indictments depending in Monroe, one of which is suspended by some special pleading, the question on which was submitted to the Supreme Court at the last May term, and is yet under advisement before that tribunal. Should they decide it at the approaching January term, as I understand they will; and should they so decide it that a trial will be required in the cause, these two causes may be tried at the next circuit in that county, if a judge can be procured to attend. Judge Gardiner declines to try any more of these causes, as I understand.

The reason for not attempting to try the one cause without the other, were in part the great oppression upon the witnesses, and the expense of assembling them for one of these trials, when there was a reasonable probability that, by waiting for the decision of the Supreme Court, we might get a chance to try both at the same circuit; a coincidence very much to be desired, if we shall have to procure a distant judge.

One other indictment is depending in Genesee county. This has been removed by certiorari to the Supreme Court, to which a special plea has been interposed. The issue is not joined, owing to circumstances beyond my control!

The adjourned Special Circuit, which had been fixed for the second Monday of January, as being as early a day as other considerations would permit after the regular oyer and terminer in that county, in consequence of the resolution of Judge Gardiner to try no more of these causes, it has been found necessary to get further adjourned. It is expected that Judge Gardiner will attend on the second Monday of January, therefore, and adjourn the court to the second Monday of February; when it is hoped that a judge of the Supreme Court may be able to attend, without interfering with the approaching term of that court.

The above detail as well of what has been done as of what remains to be done, I have thought proper to present, that your Excellency might be accurately informed of the present state of this business.

In the discharge of the duties devolved on me by this appointment, I have received the most essential assistance from Mr. Whiting, whom your Excellency was pleased to request to act as my associate counsel on these trials. His previous acquaintance with the facts and questions arising in these causes, as well as his local and personal information of the whole subject, added to his talents and experience as a lawyer, made his aid most welcome. Indeed, the formidable array of able and experienced counsel in all these causes, with a disposition to contest every inch of ground, would seem too formidable for me to encounter alone.

Having, in the several interviews I have had with your Excellency on the subject of these cases, been constantly impressed with your unceasing anxiety to bring all the guilty to speedy and exemplary punishment, I regret that I have as yet been so unfortunate in carrying your wishes into effect.

Very respectfully, I am, Sir,
Your obedient servant,
VICTORY BIRDSEYE,
Special Counsel.

To His Excellency ENOS T. THROOP,
Acting Governor of the State of New-York.

Albany, December 30, 1830.

IN ASSEMBLY,

January 6, 1831.

MESSAGE

**From the Governor, transmitting Resolutions from
the States of Connecticut, Vermont, Mississippi
and Louisiana.**

TO THE ASSEMBLY.

GENTLEMEN—

I have the honor to transmit to you Communications from
the Executives of the States of Connecticut, Vermont, Mississippi
and Louisiana, transmitting to me Resolutions of the Legislatures of
their several States.

E. T. THROOP.

Albany, January 6, 1831.

[A. No. 4.]

COMMUNICATION

From the Executive of the state of Connecticut, relative to proposed amendments to the Constitution of the United States.

STATE OF CONNECTICUT.

EXECUTIVE DEPARTMENT, }
August 28, 1830.

SIR—

In compliance with the request of the General Assembly of this State, I have the honor to transmit to you the inclosed document to be laid before the Legislature of the State over which you preside.

With high consideration,

I am your ob't. servt,

GIDEON TOMLINSON.

To his Excellency the Governor of New-York.

STATE OF CONNECTICUT, }
General Assembly, May Session, 1830. }

The Joint Committee to whom was referred that part of the Message of the Governor which relates to the proposed alteration of the Constitution of the United States—*Report,*

That they have had under consideration the part of the Message referred to them, and also a resolution of the General Assembly of Missouri, declaring "that it is expedient to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice-President throughout the several States, and to give to the people of the United States the privilege of voting directly for the President and Vice-President, without the intervention of electors, reserving to the States, respectively, their due weight in relation to the said election, as is guaranteed to them by the Constitution of the United States. And that the election of President and Vice-President should, in no case whatever, be submitted to the decision of the House of Representatives of the United States."

Your committee have also had before them a resolution of the Legislature of Georgia, expressing their concurrence on this subject, with the Legislature of Missouri; and a resolution of the Legislature of Vermont, expressing their opinion, that it is inexpedient to alter the Constitution of the United States in the manner proposed by the State of Missouri.

Believing that the Constitution should not be altered for light and transient causes, your committee have carefully sought for the evidence of existing evils, which require the proposed alterations; they have, however, not been able to find it. The Presidential election is full of interest to the people of the United States. Party strife and unhallowed ambition, with their necessary consequences, the prostitution of public patronage, and the corruption of private inte-

grity, have occasioned some anxiety for the permanency of our political institutions. For the restraint and correction of such evils, incident, as they are, to our free government, the patriot looks not to a change of Constitution, but to a sound, enlightened public opinion—a power which no purposes of selfish ambition, no claims of party, no unhallowed combinations can resist. But it is said, that the provisions of the Constitution, as they now exist, may, and frequently do, prevent a fair expression of the will of a majority of the people, in the election, and are thus at variance with the fundamental principles of the Constitution. If the committee had been furnished with the details of the proposed alterations, they could speak with more confidence of their probable operation. It is believed, however, that enough is disclosed to justify the opinion, that the principle assumed is not in accordance with the spirit of the Constitution. The framers of that instrument were men of the utmost purity, talents and patriotism; their wisdom approached inspiration; and every year of our political existence has increased the inestimable value of their great work. Their object was not the formation of a consolidated empire, but a combination of the energies of the distinct State sovereignties, for certain specified national purposes. The strictly popular representative principle does not appear to have been adopted in the formation of the Constitution; and if it had been, the State sovereignties would have been merged in a grand consolidated government, which, it will be acknowledged on all hands, could not have subsisted to this time. The convention found great difficulty in the adjustment of the second article of the Constitution relating to the executive; but so happy were they, finally, in the arrangement of its checks and balances, that no article met less opposition in the State Conventions. It provides for a fair expression of the will of the people, and yet protects the independence of the smaller States from the overwhelming influence and power of the larger ones. The evils should be apparent, and the reason plain and unanswerable, to justify an alteration of this part of the Constitution, in the manner proposed. Your committee have been unable to find any such reasons, and in their opinion a concurrence in the proposed amendments would hazard the relative influence of the smaller States. They, therefore, recommend the adoption of the accompanying resolutions. All which is respectfully submitted.

Signed per order.

WILLIAM W. BOARDMAN, Chairman.

At a General Assembly of the State of Connecticut, holden at New-Haven, in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty,

RESOLVED, That this General Assembly do not concur with the General Assembly of the State of Missouri, in the proposal to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice-President of the United States, without the intervention of Electors; and that the election of President and Vice-President, should, in no case whatever be

submitted to the decision of the House of Representatives of the United States.

Resolved, That His Excellency the Governor be requested to forward copies of the foregoing Report and Resolutions, to the Executives of the several States, with a request that they be laid before their respective Legislatures.

A true copy of record, examined and certified by

THOMAS DAY, Secretary.

COMMUNICATION

From the Executive of the State of Vermont, relative to proposed amendments to the Constitution of the United States.

STATE OF VERMONT.

SECRETARY OF STATE'S OFFICE, }
Woodstock, Dec. 10, 1830. }

SIR—

I have the honor of transmitting to your Excellency a copy of resolutions of the Legislature of this State.

I am, with great respect,

Your Excellency's

Obedient servant,

NORMAN WILLIAMS,

Secretary of State.

His Excellency the Governor of New-York.

STATE OF VERMONT.

IN GENERAL ASSEMBLY, }
October 30, A. D. 1830. }

The judiciary committee, to whom was referred a communication from His Excellency the Governor, enclosing communications from the states of Georgia and Connecticut, relative to proposed amendments to the constitution of the United States, "so as to provide a uniform mode of electing President and Vice-President, throughout the United States, and to give to the people the privilege of voting directly for the President and Vice-President, without the intervention of electors,"

REPORT:—

That they have had under consideration the said communication, and also a resolution of the General Assembly of the state of Louisiana, proposing to amend the Constitution of the United States, "so as to extend the term of office of the President and Vice-President to six years, and to render the President ineligible after the first election;" and that, in the opinion of this committee, it is inexpedient to make the proposed alterations in the constitution, and therefore recommend to the General Assembly the adoption of the following resolutions:

Resolved, the Governor and Council concurring herein, That the General Assembly do not concur with the General Assembly of the state of Georgia in the proposal "to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice-President, without the intervention of electors; and that the election of President and Vice-President should, in no

case whatever, be submitted to the decision of the House of Representatives of the United States."

Resolved, That this General Assembly do not concur with the General Assembly of the state of Louisiana, in the proposal to amend the constitution of the United States, "so as to extend the term of office of President and Vice-President to six years, and to render the President ineligible after the first election."

Resolved, That the Governor of this State be requested to forward a copy of the foregoing resolutions to the Executive of each State, with a request that they be laid before their respective Legislatures.

JAMES DAVIS, *for Committee.*

In General Assembly, Nov. 10, 1830.

Report concurred, and resolutions adopted.

T. MERRILL, *Clerk.*

In Council, Nov. 10, 1830.

Read and resolved to concur.

G. B. SHAW, *Secretary.*

A true copy of the report and resolutions on file.

NORMAN WILLIAMS,
Secretary of State.

COMMUNICATION

From the Executive of the State of Mississippi, relative to the proposed amendments to the constitution of the United States.

SECRETARY OF STATE'S OFFICE, }
Jackson, 1st October, 1830. }

His Excellency the Governor of New-York,

SIR—

I herewith have the honor to forward you, at the instance of his Excellency Governor Brandon, the accompanying resolution, adopted at the last session of the General Assembly of this state.

Very respectfully, Sir,

Your most ob'dt.

JOHN A. GUMBALL,
Secretary of State.

RESOLUTION

Of the state of Mississippi on the subject of amending the constitution of the United States.

Resolved, by the senate and house of representatives of the state of Mississippi, in general assembly convened, That we do not deem it expedient, at this time, to adopt the amendment to the constitution of the United States, passed by the legislature of Missouri, on the 23d January, 1829.

Resolved, That the governor of this state be requested to forward a copy of the above resolution to the governors of the several states.

JO. DUNBAR,
Speaker of the House of Representatives.

A. M. SCOTT,
Lt. Governor and President of the Senate.

Approved, February 10th, 1830.

GERARD C. BRANDON.

I hereby certify the foregoing to be a correct copy of the original roll on file in my office, this 1st October, A. D. 1830.

JOHN A. GUMBALL,
Secretary of State.

COMMUNICATION

From the Executive of the State of Louisiana, relative to the Constitutionality of the United States Tariff.

EXECUTIVE DEPARTMENT, }
New-Orleans, April 20, 1830. }

SIR—

I have the honor to forward to you the following resolutions, in pursuance of a request of the Legislature of the state of Louisiana.

Very respectfully, &c. &c.

JAQUES DUPRE.

RESOLUTIONS.

Resolved, by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the General Assembly of this state do not concur in the views and sentiments expressed by the resolutions of the Legislature of the state of Mississippi, relative to the tariff of 1828; that the Legislature of this state does not perceive the unconstitutionality or impolicy of adopting such measures, nor has the state suffered any injury therefrom.

Resolved, That we concur in the resolutions of the Legislature of the state of Vermont, by which they have declared the law of 1828, on the tariff, to be constitutional, expedient, and harmless to the southern states.

Resolved, That our senators in Congress be instructed, and our representatives requested, to accede to and support such measures as those contemplated by the law of 1828 on the tariff.

Resolved, That the Acting Governor be requested to transmit copies of the above resolutions to the governors of the several states, with a request to have them laid before the legislatures of the states respectively.

A. B. ROMAN,
Speaker of the House of Representatives.
ISAAC A. SMITH,
President of the Senate, pro tem.

Approved, March 15, 1830.

JAQUES DUPRE,
Acting Governor of the State of Louisiana.

SECRETARY OF STATE'S OFFICE, }
New-Orleans, April 20, 1830. }

I certify the above to be a true copy of the original remaining in this office.

GEORGE A. WAGGONER.
Secretary of State.

IN ASSEMBLY,

January 7, 1831.

REPORT

From the Secretary of State to the Assembly, in relation to furnishing the Counties with the Standard Weights and Measures.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany, January 6, 1831.

The Secretary of State respectfully calls the attention of the Legislature to the annexed communication made to the Senate, in February last, in relation to furnishing copies of the original Standards of Weights and Measures to the several counties.

A bill on this subject passed the Senate at the last session, but was left with the unfinished business of the Assembly. Several applications have been made for copies of the Standards, by county sealers, and it is desirable that provisions should be made for the expense of such copies.

A. C. FLAGG.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany, February 19, 1830.

The Secretary of State, in connection with his duties as State Sealer of weights and measures, would respectfully call the attention of the Legislature to the provisions of the law in relation to furnishing the several counties with copies of the "original standards."

By the old law, the standards for the county sealers were procured at the expense of the counties ; and for the town sealers, at the expense of the towns. 1st Rev. Laws of 1813, p. 377.

The Revised Statutes (p. 609, vol. 1,) says, " copies of such original standards shall be transmitted by the State Sealer to the several county sealers, to be furnished by them to the town sealers in their respective counties, at the expense of the towns." The question is, whether the cost of the original standards transmitted by the State Sealer to the county sealers, shall be paid out of the treasury of the state, or be a charge upon the counties? And if in the former mode, then it is necessary to have an additional provision, that, on the certificate of the State Sealer, the amount necessary to procure copies of the standards, shall be paid out of the treasury on the warrant of the Comptroller. But, in the opinion of the Secretary of State, it would be advisable to continue the provision, as heretofore, requiring the counties, as well as the towns, to provide standards at their own expense.

By an act of the last session, (chap. 297, p. 433,) it is provided that the standard weights and measures now in the office of the Secretary of State, shall be and remain the standards, until provision is made by the Legislature for the construction of those contemplated by chapter 19, of the revision. Copies of the standards now in this office, have been furnished to the greater part of the county sealers, at the expense of the counties ; and since so many of them have been thus taxed, it would be entirely equitable to require the few remaining counties to procure copies of the standards at the expense of the counties requiring them.

A. C. FLAGG.

No. 6.

MEMBERS AND OFFICERS

Of the Assembly of the State of New-York,

[A. No. 6.]

THEIR RESIDENCE IN THE CITY OF ALBANY, AND NEAREST POST-OFFICE TO THEIR PERMANENT RESIDENCE.

Hon. GEORGE R. DAVIS, Speaker, Troy, Rensselaer County; National & Columbian Hotel, South Market-street.

<i>Names of Members.</i>	<i>County.</i>	<i>Nearest Post-Office.</i>	<i>Boarding-House.</i>
Andrews, Samuel G.	Monroe,	Rochester,	Eagle Tavern.
Ashley, Daniel,	Allegany,	Nunda Valley,	Foot's, State-st. No. 128.
Benton, Joel,	Dutchess,	Leedsville,	National and Columbian.
Benton, Lewis,	Greene,	Catskill,	Bement's Hotel.
Bettis, Reuben,	Oneida,	Camden,	Fort Orange Hotel.
Bigelow, Otis,	Onondaga,	Baldwinsville,	Rockwell's.
Birdsall, John,	Chautauque,	Mayville,	Adelphi Hotel.
Blake, Edward,	Orange,	Montgomery,	National and Columbian.
Blodget, Harrison,	Lewis,	Denmark,	City Coffee House.
Bogert, Jacob S.,	New-York,	New-York,	Eagle Tavern.
Boyd, Bennet,	Putnam,	Kent,	National and Columbian.
Bradlow, John L.	Greene,	Coxsackie,	P. I. Lewis.

Brown, Josiah O.	Montgomery,	Oppenheim,	Albany Coffee House.
Budd, Joseph C.	Jefferson,	Carthage,	City Coffee House.
Cargill, Abraham,	New-York,	New-York,	Miss Lewis'.
Carroll, Aaron,	Schenectady,	Glenville,	Albany Coffee House.
Clark, Henry,	Otsego,	Unadilla Forks,	Adelphi Hotel.
Cole, Walter,	Jefferson,	Brownville,	E. Lewis'.
Collier, Peter,	Otsego,	Colliersville,	American Hotel.
Comstock, Arnon,	Oneida,	Weston,	Fort Orange Hotel.
Conklin, George L.	Suffolk,	Mattetuck,	Merchants' Hotel.
Constant, St. John,	Westchester,	Peekskill,	National and Columbian.
Cook, Paul C.	Steuben,	Cohocton,	Rockwell's.
Cooke, Atwater, junior,	Herkimer,	Salisbury,	Crosby's, Maiden-lane.
Crippen, Schuyler,	Otsego,	Worcester,	Adelphi Hotel.
Curtis, James C.	Sullivan,	Cochecton,	Albany Coffee House.
Downing, Coe S.	Kings,	Brooklyh,	Merchants' Hotel.
Dunlap, Josiah,	Steuben,	Pultney,	Merchants' Hotel.
Earll, Robert, junior,	Genesee,	Attica,	Merchants' Hotel.
Eckerson, John I.	Rockland,	Scotland,	National and Columbian.
Eddy, Seth,	Wayne,	Marion,	Merchants' Hotel.
Edmonds, John W.	Columbia,	Hudson,	Eagle Tavern.
Eldridge, Robert,	Schoharie,	Leesville,	Gourlay's.
Ellis, John,	Tompkins,	Varney,	Mott's.
Fillmore, Millard,	Eric,	Buffalo,	American Hotel.
Fowler, Robert,	Orange,	Monroe,	National and Columbian.
Freeman, Joseph,	St. Lawrence,	Columbia Village,	City Coffee House.
Gansevoort, Peter,	Albany,	Albany,	318 North Market-street.
Gardner, Howell,	Saratoga,	West Greenfield,	Rockwell's.
Gilbert, Thomas I.	Onondaga,	Manlius,	Rockwell's.

Gilechrist, John,	Saratoga,	West Charlton,	Rockwell's.
Griawold, Chester,	Rensselaer,	Nassau Village,	National and Columbian.
Griawold, Stephen,	Genesee,	Stafford,	Merchants' Hotel.
Hager, Daniel, junior,	Schoharie,	North Blenheim,	Gourlay's.
Halsey, Samuel B.	Dutchess,	Adriance,	National and Columbian.
Harris, John S.	Columbia,	Ancram,	City Coffee House.
Harrison, John T.	Richmond,	Tompkinsville,	Miss Lewis'.
Henry, Robert,	Madison,	Eaton,	Rockwell's.
Hoffman, Stephen B.	do	Georgetown,	Rockwell's.
Hooker, William,	Dutchess,	South Dover,	National and Columbian.
Horsford, Jerediah,	Livingston,	Moscow,	American Hotel.
Hough, Olmsted,	Herkimer,	East Schuyler,	Crosby's, Maiden-lane.
Howard, Fredus,	Cortland,	Preble,	Rockwell's.
Hubbard, Russell,	Cattaraugus,	Farmersville,	Foot's, 128 State-street.
Hudson, Pliny,	Columbia,	Chatham,	Eagle Tavern.
Hulse, James,	Orange,	Slate Hill,	National and Columbian.
Jarvis, Nathaniel,	New-York,	New-York,	Gourlay's.
Jerman, George W.	Washington,	Cambridge,	National and Columbian.
Juliland, Joseph,	Chenango,	Greene,	National and Columbian.
Keith, Fleury,	Jefferson,	Smithville,	E. Lewis'.
Knight, Nathaniel,	Erie,	Collins Center,	Foot's, 128 State-street.
Lacey, Isaac,	Monroe,	South Chili,	Gourlay's.
Lawyer, Nicholas,	Herkimer,	Danube,	Crosby's, Maiden-lane.
Litchfield, Elisba,	Onondaga,	Delphi,	Rockwell's.
Livingston, Charles L.	New-York,	New-York,	Cruttenden's.
Love, Solomon,	Cayuga,	Summer Hill,	National and Columbian.
Ludlow, Jehiel,	Tompkins,	Ludlowville,	Mott's.
Manchester, Elias,	Cayuga,	Scipio,	Gourlay's.

Mapes, David P.	Delaware,	Halottsville,	Albany Coffee House.
M'Carthy, Dennis,	New-York,	New-York,	American Hotel.
M'Dowell, John G.	Tioga,	Chemung,	Rockwell's.
Morehouse, Eben B.	Otsego,	Cooperstown,	Mrs. Lockwood's.
Morgan, James,	New-York,	New-York,	Gourlay's.
Moulton, David,	Oneida,	Floyd,	Fort Orange Hotel.
Murphy, Thomas,	Westchester,	Bedford,	American Hotel.
Myers, Mordecai,	New-York,	New-York,	Eagle Tavern.
Norton, Henry,	Niagara,	Lockport,	Merchants' Hotel.
Ostrander, Gideon,	New-York,	New-York,	Miss Lewis'.
Otis, Oran G.	Saratoga,	Ballstown Spa,	American Hotel.
Ottley, Thomas,	Ontario,	Seneca Castle,	Merchants' Hotel.
Parker, Jared H.	Onondaga,	Onondaga,	Rockwell's.
Percival, James,	Livingston,	Geneseo,	National and Columbian.
Phillips, George S.	Suffolk,	Smithtown,	Merchants' Hotel.
Pike, Jarvis K.	Chenango,	Norwich,	Rockwell's.
Pine, Peter,	Delaware,	Tompkins,	Albany Coffee House.
Potter, Platt,	Montgomery,	Minville,	Adelphi.
Price, Peter,	Monroe,	Rush,	Foot's 128 State-street.
Rawson, Samuel,	Ontario,	Victor,	Merchants' Hotel.
Remer, Aaron,	Yates,	Benton,	Rockwell's.
Richardson, Charles,	Cortland,	Freetown Corner,	P. I. Lewis'.
Rob, William,	Montgomery,	West Amsterdam,	Albany Coffee House.
Robinson, Peter,	Broome,	Binghamton,	City Coffee House.
Saylor, John,	Tompkins,	Meeklenburgh,	Mott's.
Sayre, John,	Seneca,	Romulus,	Merchants' Hotel.
Schoonmaker, Jacob I.	Ulster,	New-York,	Cruttenden's.
Selden, Dudley,	New-York,		

Shepard, Riley,	Oneida,	Augusta,	Fort Orange Hotel.
Spencer, James B.	Franklin,	Fort Covington,	City Coffee House.
Spencer, John C.	Ontario,	Canandaigua,	Bement's Hotel.
Sprague, Asa,	St. Lawrence,	De Kalb,	City Coffee House.
Springer, Martin,	Rensselaer,	Rensselaer,	National and Columbian.
Stackhouse, Samuel,	Warren,	Sherman,	Rockwell's.
Stillwell, Silas M.	New-York,	New-York,	Cruttenden's.
Thorn, Henry,	Washington,	Fort Ann,	City Coffee House.
Tilford, George S.	Cayuga,	Sterling,	National and Columbian.
Townsend, John E.	Dutchess,	Legrange,	Fish's, South Pearl-street.
Townsend, William,	Washington,	West Hebron,	Columbian Hotel.
Tredwell, Thomas,	Queens,	Hempstead,	Archer's.
Trowbridge, John F.	Oneida,	Bridgewater,	American Hotel.
Turrell, Joel,	Oswego,	Oswego,	Adelphi Hotel.
Tyler, John H.	Orleans,	Yates,	Merchants' Hotel.
Van Buren, John,	Ulster,	Kingston,	Albany Coffee House.
Varian, Isaac L.	New-York,	New-York,	Miss Lewis'.
Vark, Aaron,	Westchester,	Yonkers,	National and Columbian.
Walker, John,	Clinton,	Rouse's Point,	Rockwell's.
Watson, Wheeler,	Albany,	Rensselaerville,	Albany Coffee House.
Weed, Joseph S.	Essex,	Ticonderoga,	Merchant's Hotel.
Wells, Ananias,	Wayne,	Maringo,	Foot's, 128 State-street.
White, Squire,	Chautauque,	Fredonia,	Rockwell's.
Whitman, John,	Madison,	Clodville,	Rockwell's.
Willcox, Ira,	Chenango,	Oxford,	National and Columbian.
Williams, David,	Tioga,	Berkshire,	Rockwell's.
Winne, Peter W.	Albany,	Albany City,	P. I. Lewis.
Woodruff, Benjamin,	Seneca,	Fayette,	Merchants's Hotel.

Woodworth, Charles,
 Worthington, Aaron,
 Yawger, Peter,

Genesee,
 Rensselaer,
 Cayuga,

Elba,
 Petersburg,
 Union Springs,

E. cor. N. Mark. & Colum.
 National and Columbian.
 National and Columbian.

FRANCIS SEGER, Clerk, Gourlay's, 89 Washington-street.

AARON V. FEYER, Deputy-Clerk, Mansion, 50 S. Pearl-st. | DANIEL GOULD, Deputy-Clerk, Bement's Hotel.
 WILLIAM L. GOODRICH, do. | Mrs. Rockwells. | LYMAN R. LYON, do. Gourlay's.

POMEROY JONES, Sergeant-at-Arms, Albany Coffee House.

ALONZO CHOSBY, Door-keeper, 57 Maiden-lane.

OLIVER SCOVIL, Assistant do. 48 Washington-street.

IN ASSEMBLY,

January 6, 1831.

ANNUAL REPORT

Of John Dobson, an Inspector of Leather for the
county of Erie.

*To the Honorable the Legislature of the State of New-York, in
Senate and Assembly convened.*

The undersigned, inspector of sole-leather for the county of Erie,
begs leave, respectfully, to report to your honorable body, the fol-
lowing statement of his official duties during the year immediately
preceding, and ending on the first day of January, 1831, as follows,
viz:

		lbs. weight.
Of quality, best, number of sides,	546	7,695
“ good, “	627	11,229
“ damaged, “	37	656
	<hr/>	<hr/>
Total,....	1,201	19,580
	<hr/>	<hr/>

The amount of leather inspected is nothing like the amount which
is manufactured in said county ; but the fact of my appointment being
under the old statute, left it optional with the proprietors either to
employ me or not, as they pleased. The probable increase will be
at the same ratio it has been for two years past.

JOHN DOBSON.

Buffalo, Dec. 31, 1830.

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILL. 60637

IN SENATE,

January 3, 1831.

ANNUAL REPORT

Of the Trustees of the State Library.

The Trustees of the State Library, in obedience to the fourth section of title eight of chapter nine of the first part of the Revised Statutes, submit to the Legislature their

ANNUAL REPORT.

The moneys received by the Trustees of the State Library during the current year, have been the annual appropriation of the year 1830 only, \$1,000 00

To this should be added the balance unexpended in the hands of the treasurer of the Trustees, at the date of the last annual report, 471 60

1,471 60

The expenditures for the year have been :

For books, maps, charts, and bookbinding, ... \$562 78

“ Cleaning the library, book-cases, repairs to book-cases, stoves, and library generally, and for re-arranging the library, and making an entire new catalogue, &c. 153 68

716 46

Leaving in the hands of the treasurer to be expended, .. \$755 14

It will be perceived that the contingent expenses of the Library, paid by the Trustees, during the past year, out of the funds in their hands, is much larger than usual. This has arisen principally from the fact that, in re-arranging the library and the order of the books, it has been found necessary to make material alterations in the con-

struction of all the cases, both to render them sufficiently capacious to contain the books according to the new arrangement, and to render all the books easily accessible, without danger of injury either to them or to the cases ; and from the further fact that it was indispensable to begin the catalogue anew, in order that it might contain a true statement of the books actually in the library and no more, and that it might exhibit them by their appropriate titles, and in an order the most convenient to direct a stranger in his examinations.

These objects, it is believed, have been accomplished ; but the constant employment of an assistant to the Librarian for a considerable time, was the only mean of effecting them. This individual was exclusively devoted to an entire overhauling of the whole library ; and he was directed carefully to examine all the books ; to see if the labels were correct indications of the contents of the volumes ; to note the deficiencies in every sett of books, and to separate and lay out from the library all duplicate volumes and duplicate setts which might be discovered. The consequence of this thorough examination has been to ascertain that many entirely incongruous pamphlets and periodical numbers have been bound into the same volume, and that many of the labels upon these and other volumes have afforded an entirely deceptive index of the matter to be found upon opening the book ; that many duplicate volumes and setts of books have crept into the library, mostly by the erroneous labels upon the volumes, and the erroneous entries of the titles of the works in the catalogue ; that many deficiencies exist in setts of books which were supposed to be complete ; and, in short, that this work has been already too long delayed, and had become indispensable to a perfection of the library, and to its convenient use.

The Trustees flatter themselves that it has now been so thoroughly done, that, with due care on their part and proper vigilance on the part of the librarian, the time is remote when its repetition will be required. And they indulge the hope that the convenience of the new arrangement of the library to the members of the Legislature, and to all others who may be called to use it, will be considered a partial compensation for the expense incurred ; while the defects existing in the setts of books, and which it is one of their principal objects to supply, could in no other manner than by this examination be certainly ascertained.

The principal purchases of books made within the year have been for the law part of the library, and with the design of making that

as full and perfect as possible ; and the amount expended in this way has been less than was contemplated and intended, only because the Trustees have been disappointed in not receiving the importations of such works as are not to be obtained in this country, and as the booksellers had given them encouragement of obtaining from abroad during the year now past. The reason assigned for the failure is, that the lists furnished by the trustees were mislaid or lost, and others have been furnished and sent out, but at too late a period in the fall to have expected a return at this date.

For this reason the dividend from the chancery fund, for the year 1830, has not yet been called for, but it is understood that the fund is able to furnish it, and that it can be had at any time upon the call of the Trustees. If no further disappointment is experienced in obtaining the desired works, it may be expected that all the means at the control of the Trustees will be wanted during the present year, and that the law library will be made, to a considerable extent, perfect ; while it is contemplated, if the funds will allow it, to make valuable additions to the other departments of the institution.

The contingent expenses of the library for stationery and candles, to be paid out of the treasury, is limited by the act of the 20th April, 1829, to fifty dollars. The last annual report showed that only \$23.59, had been drawn from the treasury for these purposes during the year covered by that report, and the sum of \$19.38 only, has met the same expenses for the year 1830. The cost to the treasury of the wood used in the library during the past year, has been \$40.42, a sum much less than the ordinary expense for fuel for the same period of time. Indeed the economy with which the Librarian has managed the contingent expenses of the library, is the best evidence of his faithfulness and attention in his public trust.

The catalogue which has been prepared as before mentioned, and which is required by the law to be furnished annually to the legislature, is annexed to this report, marked A.

The rules and regulations for the government of the library have undergone no alteration since the last report, and are annexed, marked B.

That the Trustees might be able the more perfectly to correct the catalogue, and to compare it with the books in the library as now arranged, they requested the state printer to set it in type and fur-

nish them a printed copy in anticipation that the legislature would order it printed. This he consented to do, and for that reason it is that a printed copy of the new catalogue accompanies this report. The Trustees were the more willingly induced to make this request as it would enable the printer, if so ordered, to lay upon the tables of the members of the legislature, at a very early day, the printed copies of the corrected catalogue, thus contributing to the convenience of those who may be desirous to examine this interesting institution at the commencement of the session.

In obedience to the resolution of the honorable the Assembly, of the 10th April last, the Trustees availed themselves of the earliest opportunity to procure and place in the library "a copy of the American edition of the Posthumous Works of the illustrious Thomas Jefferson."

SILAS WRIGHT, Jr.
A. C. FLAGG,
GREENE C. BRONSON,
Trustees of the State Library.

Albany, 4th Jan. 1831.

(A.)

CATALOGUE
OF
BOOKS, MAPS, &c.

BELONGING TO, AND REMAINING IN THE STATE LIBRARY,
JANUARY 1, 1831.

N. B. All the Books enumerated in this Catalogue are bound, and of octavo size, unless otherwise expressly mentioned: Congressional and Legislative Journals will be found arranged under the head of "State Papers;" and Statutes, under "Statute Law."

LAW BOOKS, JOURNALS, &c.

A.

Abbot on Shipping,	1 Vol.
Adams on Ejectment, see "Tillinghast's Adams on Ejectment."	
Addington's Penal Statutes, (fol.)	1 "
Addison's Reports, (Pennsylvania,)	1 "
Aikens' Reports, (Vermont,)	2 "
Alabama Reports,	1 "
Alley's Reports, (fol.)	1 "
Ambler's Reports,	1 "
American Chancery Digest,	1 "
American Digest,	4 "
American Jurist,	3 "
American Law Journal,	6 "
Andrews' Reports,	1 "
Angel on Tide-Waters,	1 "
" " Water-Courses,	1 "
Anstruther's Reports,	1 "
Anthon's Nisi Prius Reports,	1 "
Archbold's Civil Pleadings,	1 "
" Forms of Evidence,	1 "
" " " Indictment,	1 "
" Practical Forms,	1 "
" Practice,	2 "
Assize, Book of, see "Book of Assizes."	
Atkins' Reports,	3 "
Attorney's Companion,	1 "
Azuni's Maritime Law,	2 "

B.

Bacon's Abridgement,	7 Vols.
Ballantine on Limitations,	1 "
" " " by Tillinghast, see "Tilling- hast's Ballantine on Limitations."	
Barnardiston's Reports, (fol.)	1 "
Barnes' Notes of Cases,	2 "
Barnewell and Alderson's Reports,	4 "
Barton's Suit in Equity,	1 "
Bay's Reports, (South-Carolina,)	2 "
Bayley on Bills,	1 "
Beawes' Lex Mercatoria, (4to.)	2 "
Beccaria on Crimes,	1 "
Beck's Medical Jurisprudence,	2 "
Bee's Reports, (U. S. District Court, South-Carolina,) ..	1 "
Bentham on Codification,	1 "
" " Government,	1 "
Bentham's Treatise on Judicial Evidence,	1 "
" Théorie des Peines et des Récompenses,	2 "
Bibb's Reports, (Kentucky,)	4 "
Bigelow's Digest of Massachusetts Reports, (old edition,) ..	1 "
Bigelow's Supplement (to his Digest,)	1 "
Binney's Reports, (Pennsylvania,)	6 "
Biven's Digest of Modern Reports, (missing,)	1 "
Blackstone's Commentaries, (by Christian,)	4 "
" (Henry) Reports,	2 "
" (William) "	2 "
Blake's Chancery, (old edition,)	1 "
Book of Assizes, (fol.)	1 "
Booth on Real Actions,	1 "
Bosanquet and Puller's Reports, (4th and 5th volumes cited as "New Reports,")	5 "
Boscawen on Penal Statutes, (12mo.)	1 "
Brackenridge's Law Miscellanies,	1 "
Brayton's Vermont Reports,	1 "
Bridgman's Analytical Digest,	3 "
" Practical Digest,	1 "
Bridgman's Index, see "Bridgman's Analytical Digest."	
Brown's (William) Chancery Reports,	4 "
" (Josiah) Parliamentary Cases,	8 "
Browne's Reports, (Pennsylvania,)	2 "
Brownlow and Goldsborough's Reports, (4to.)	1 "
Bunbury's Reports,	1 "
Burlamaqui's Principles of Law, (Natural and Politic,) ..	2 "
Burn's Digest of Modern Reports,	1 "
" Ecclesiastical Law,	4 "
" Justice,	4 "
Burrows' Reports,	5 "
" Settlement Cases,	1 "

C.

Caines' Cases in Error, (2 vols. in one,)	1 Vol.
" Practice,	1 "
" Reports, (New-York,)	3 "
Call's Reports, (Virginia,)	3 "
Cameron and Norwood's Reports, (North-Carolina,)	1 "
Campbell's Nisi Prius Reports,	4 "
Carey's Reports, (24mo.)	1 "
Carter's Reports, (fol.)	1 "
Carthews' Reports, (fol.)	1 "
Cases in Chancery,	1 "
Cases of Equity,	2 "
Cases Tempore Hardwicke,	1 "
Cases Tempore Hardwicke by Ridgeway, see " Ridge- way's Cases Tempore Hardwicke."	
Cases Tempore Talbot,	1 "
Chancery Rules, (Edition of 1824,)	1 "
" " (Revised by Chancellor Walworth,) ..	1 "
Charlton's Reports, (Georgia,)	1 "
Chase's Trial,	2 "
Chipman's (Daniel) Reports, (Vermont,)	1 "
" (Nathaniel) Reports, (Vermont, 18mo.)	1 "
Chipman on Contracts,	1 "
Chitty's Commercial Law,	1 "
" Criminal Law,	3 "
Chitty on Bills,	1 "
" " Contracts,	1 "
Chitty's Pleadings,	3 "
Christy's Digest of Louisiana Reports,	1 "
City Hall Recorder, (6 vols. in 2,)	2 "
Civil Code of Louisiana, see " Statute Law."	
Clancy's Treatise, (Husband and Wife,)	1 "
Coke on Littleton, (First Institutes,)	3 "
Coke's Entries, (fol.)	1 "
Coke's Institutes, (2d, 3d and 4th,)	4 "
Coke's Reports,	7 "
Coleman and Caines' Cases, (New-York,)	1 "
Collectanea Juridica,	2 "
Commercial Code of France,	1 "
Common Law Reports,	17 "
Comyn on Contracts,	2 "
Comyn's Digest,	8 "
" Reports,	2 "
Connecticut Reports,	6 "
Constitutional Reports of South-Carolina,	2 "
Conversations on the English Constitution,	1 "
Cooper's Justinian,	1 "
" Reports, (Chancery,)	1 "
Corpus Juris Civilis, (4to.)	3 "
Cottu on the Administration of Criminal Justice,	1 "
County and Town Officer,	1 "

Cowen's Reports,	9 Vols.
Cowen's Treatise on Justices' Courts,	1 "
Cowper's Reports,	2 "
Cox's Equity Reports,	2 "
Coxe's Digest of Reports of the United States Courts, ..	1 "
" New-Jersey Reports,	1 "
Cranch's Reports, (Supreme Court U. S.)	9 "
Criminal Trials,	1 "
Croke's Reports, (Elizabeth, James and Charles,)	3 "
Crompton's Practice,	2 "
Crown Circuit Companion,	1 "
Cruise's Digest,	7 "
Cumberland's Law of Nature, (4to)	1 "
Curran's Speeches,	2 "

D.

Dagge on Criminal Law,	3 "
Dallas' Reports,	4 "
Dane's Abridgement,	8 "
Danvers' Abridgement, (fol.)	3 "
Davies' Reports,	1 "
Day's Reports, (Connecticut,)	5 "
Debates on the Constitutional Powers of Congress,	1 "
De Lolme on the English Constitution,	1 "
Desaussure's Chancery Reports, (South-Carolina,)	4 "
Dickens' Reports, (Chancery,)	2 "
Dickinson's Justice of the Peace,	3 "
Dictionary of Quotations, (missing,)	1 "
Digest of Early Chancery Reports, (by Kekewich,)	1 "
Digest of South-Carolina Reports,	1 "
Discussions du Code Napoleon, (4to.)	3 "
Doctors' Commons, ("The Clerk's Instructor in the Ecclesiastical Courts,")	1 "
Domat's Civil Law, (fol.)	2 "
Douglas' Reports,	2 "
Dunlap's Practice,	2 "
Duponceau on the Jurisdiction of the Courts of the United States,	1 "
Durnford and East's Reports,	8 "
Dyer's Reports, (fol.)	1 "

E.

East's Pleas of the Crown,	2 "
" Reports,	16 "
Eden on Injunction,	1 "
Edwards' Reports, (Admiralty,)	1 "
Equity Draftsman,	1 "
Equity Reports, see "Desaussure's Chancery Reports."	
Espinasse's Nisi Prius,	2 "
" Reports, (6 vols. bound in 5,)	5 "
Evans' Collection of Statutes, see "Statute Law."	

F.

Fearne on Remainders,	1 Vol.
Fitzgibbon's Reports, (fol.)	1 "
Fitzherbert's Natura Brevium,	2 "
Fonblanque on Equity,	2 "
Foster's Crown Law,	1 "
Freeman's Reports, (fol.)	1 "
Frederician Code, see "Statute Law."	
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ENGRAVED PORTRAITS, *Framed.*

Of John Adams,.....	1
John Quincy Adams,.....	1
John C. Calhoun,	1
Henry Clay,.....	1
William H. Crawford,.....	1
Andrew Jackson,.....	1
" (full length,).....	1
General La Fayette,.....	1
" (full length,)	2
Commodore McDonough,.....	1
Commodore Perry,	1
General Washington,.....	1

One Bust of General Jackson.

One Monumental Engraving of the late Governor De Witt Clinton.

In the Law Library there are.....	1985 Vols.
" " Miscellaneous " " 	1566 "

Total, 3555

(B.)

BY-LAWS,
RULES AND REGULATIONS,
ORDAINED AND ESTABLISHED BY THE
TRUSTEES OF THE NEW-YORK STATE LIBRARY,
PURSUANT TO AUTHORITY GIVEN THEM BY LAW.

1. During the Session of the Legislature, or of the Senate only; and during the sitting of the Court of Errors, of the Court of Chancery, and of the Supreme Court, the Library shall be open, from the hour of nine in the morning, until the hour of nine in the evening.

2. The Library shall also be open at such other times as any one trustee may request, for the benefit of visitors.

3. Whenever the Library is open, the Librarian shall attend the same, and shall carefully preserve the books, maps and charts therein, from being injured or taken away.

4. Any member of the Senate or Assembly, during the session of the Legislature, or of the Senate only, or during the sitting of the Court of Errors, is permitted to take to his boarding-house or private room, any book belonging to the Library, under the following rules, restrictions, forfeitures and penalties:

1. No member of either branch of the Legislature, shall be permitted to take from the said Library, more than two volumes at any one time, nor detain them longer than two weeks.

2. The Librarian shall enter in a book to be by him kept for the purpose, the names of the members taking any, and what books, and the times when taken and returned.

3. The Librarian, when requested by the President of the Senate, the Speaker of the Assembly, or by any member of the Legislature, and always at the close of the session of the Legislature or Court of Errors, shall make out and deliver a certificate, stating that any member, therein to be named, has returned all books taken by him out of the said library, and has settled all accounts for fines, for injuring the said books, or otherwise, as the truth of the case may be; also naming any member in default, and specifying therein such delinquency, or injury to any books.

4. The following books are not permitted to be taken out of the Capitol, under any pretence:

Rees' Cyclopædia:

Wilson's Ornithology:

Lexicons, Dictionaries, and Law Books:

Edinburgh, Quarterly, and North American Reviews:

5. Should any member of the Legislature fail to return any book taken by him, he shall be held responsible for its value. And if it belongs to a set of volumes, for the value of the set, unless he shall supply the chasm.

6. Should any book be injured while in the possession of any member of the Legislature, the treasurer of the board shall settle with and receive from the said member, a compensation equal to the injury, or the said member shall, at his own expense, cause the injury to be repaired.

7. That no book, map, or other publication, shall be at any time taken out of the library, by any other person than a member of the Legislature, for any purpose whatever.

IN ASSEMBLY,

January 8, 1831.

Standing Committees of the Assembly.

JANUARY, 1831.

Committee on Ways and Means.

Mr. Selden,	Mr. Walker,
Mr. Comstock,	Mr. Willcox.
Mr. C. Griswold,	

Committee on Grievances.

Mr. Birdsall,	Mr. Conklin,
Mr. J. Benton,	Mr. Manchester.
Mr. Harris,	

Committee on Privileges and Elections.

Mr. Van Buren,	Mr. Boyd,
Mr. McCarthy,	Mr. Constant.
Mr. Hudson,	

Committee on the Judiciary.

Mr. Robinson,	Mr. Gardner,
Mr. Crippen,	Mr. P. C. Cook.
Mr. Potter,	

Committee on Expiring Laws.

Mr. Thorn,	Mr. Tredwell,
Mr. Halsey,	Mr. Ellis.
Mr. Earll,	

Committee on Claims.

Mr. J. C. Spencer,	Mr. Richardson,
Mr. Bigelow,	Mr. Sayler.
Mr. Cole,	

Committee on Colleges, Academies and Common Schools.

Mr. Morehouse,
Mr. Curtis,
Mr. Budd,

Mr. Carroll,
Mr. Bettis.

Committee on Engrossed Bills.

Mr. Jermain,
Mr. Van Buren,
Mr. Phillips,

Mr. Blodget,
Mr. Andrews.

Committee on the Erection and Division of Towns and Counties.

Mr. Remer,
Mr. Hulse,
Mr. Yawger,

Mr. Walker,
Mr. Knight.

Committee on the Incorporation of Cities and Villages.

Mr. Ostrander,
Mr. Mapes,
Mr. Lawyer,

Mr. Eldredge,
Mr. Ashley.

Committee on Agriculture.

Mr. Gilchrist,
Mr. Pine,
Mr. Howard,

Mr. Pike,
Mr. Watson.

Committee on the Incorporation of Religious and Charitable Societies.

Mr. L. Benton,
Mr. Stackhouse,
Mr. Brandow,

Mr. J. E. Townsend,
Mr. Eckerson.

Committee on the Incorporation and Alteration of the Charters of Banking and Insurance Companies.

Mr. Gansevoort,
Mr. Livingston,
Mr. Gardner,

Mr. L. Benton,
Mr. Crippen.

Committee on the Petitions of Aliens.

Mr. Cargill,
Mr. Thorn,
Mr. Hager,

Mr. Conklin,
Mr. Eddy.

Committee on Canals and Internal Improvements.

Mr. Edwards,
Mr. Robinson,
Mr. Turrell,

Mr. Litchfield,
Mr. J. B. Spencer.

*Committee on Roads and Bridges, and the Incorporation of
Turnpike Companies.*

Mr. Fowler,
Mr. Juliard,
Mr. Winne,

Mr. Keith,
Mr. Tilford.

Committee on State Prisons, and the Penitentiary System.

Mr. Livingston,
Mr. Downing,
Mr. Vark,

Mr. Love,
Mr. Dunlap.

Committee on the Militia, and the Public Defence.

Mr. Myers,
Mr. Worthington,
Mr. Weed,

Mr. Vark,
Mr. Blake.

Committee on Indian Affairs.

Mr. Turrell,
Mr. Parker,
Mr. Shepard,

Mr. S. Griswold,
Mr. Henry.

Committee on the Manufacture of Salt.

Mr. Gansevoort,
Mr. Bogert,
Mr. Litchfield,

Mr. Moulton,
Mr. M'Dowell.

Committee on Medical Societies and Colleges.

Mr. Trowbridge,
Mr. Harrison,
Mr. Clark,

Mr. Hooker,
Mr. White.

Committee on Two-third Bills.

Mr. Fillmore,
Mr. Gilbert,
Mr. Hoffman,

Mr. Hough,
Mr. Lacey.

Committee on Public Lands.

Mr. Sprague,
Mr. Whitman,
Mr. Halsey,

Mr. Collier,
Mr. Tyler.

Committee on Trade and Manufactures.

Mr. Bogert,
Mr. Wells,
Mr. Springer,

Mr. Murphy,
Mr. Freeman.

Select Committees on the Governor's Message.

On so much as relates to Imprisonment for Debt.

Mr. Stilwell,
Mr. Percival,
Mr. Remer,

Mr. Edmonds,
Mr. L. Benton.

On so much as relates to the Poor Laws and Insane Paupers.

Mr. Potter,
Mr. Gansevoort,
Mr. Varian,

Mr. W. Townsend,
Mr. Price.

On so much as relates to the Controversy between this State and the State of New-Jersey.

Mr. M'Dowell,
Mr. Downing,
Mr. A. Cook,

Mr. Horsford,
Mr. Woodruff.

On so much as relates to the Abduction of William Morgan.

Mr. Otis,
Mr. Jermain,
Mr. J. C. Spencer,

Mr. Selden,
Mr. Sayre.

On so much as relates to the Surviving Officers of the Revolution.

Mr. Otis,
Mr. Rob,
Mr. Hubbard,

Mr. Gilbert,
Mr. Woodworth.

On so much as relates to the House of Refuge and the Marine Hospital.

Mr. Crippen,
Mr. Morgan,
Mr. Jarvis,

Mr. Rawson,
Mr. Brown.

IN ASSEMBLY,

January 11, 1831.

MESSAGE

From the Governor, transmitting the annual report of the Inspector-General of staves and heading for the city of New-York, with certain accompanying communications.

TO THE ASSEMBLY.

GENTLEMEN—

Accompanying the return of the Inspector-General of staves and heading in the city of New-York, which I transmit herewith, are communications from him recommending certain modifications in the law, under which he acts. The matter is submitted to your consideration.

E. T. THROOP.

Albany, January 10, 1831.

COMMUNICATION

Of the Inspector-General of staves and heading, for
the city and county of New-York.

To his Excellency the Governor of the State of New-York :

SIR—

Enclosed with my annual report, your Excellency will find a recommendation to amend some of the sections of the law respecting the culling of staves and heading.

I would therefore, in the first place, wish to make known to your Excellency, that the number of cullers is greater than requisite, except on some occasions; particularly in the *fall season*, when there is a press of business, and the masters of the river craft are detained much to their disadvantage and cost.

In the second place, the inspector-general, by appointing a deputy for the time being, has a better opportunity of judging if the person so appointed be a competent and proper one to fill any vacancy that may occur.

Respecting tierce staves; these are coming into great demand as an article of export to France for the purpose of making half brandy pipes and claret casks; and as there is no provision in the law relating to them, they have been shipped coastwise from this port, to be exported to foreign countries.

Large quantities of *barrel heading* have come down the river this season, which the buyers and sellers have left to my judgment, there being no law to regulate the same.

All of which I would respectfully submit to your Excellency.

F. PECKWELL.

ANNUAL REPORT.

To his Excellency ENOS T. THROOP,
Governor of the State of New-York.

Report of the Inspector-General of staves and heading in the city
and county of New-York.

Amount of staves and heading culled in the city of New-York,
from 1st January, 1830, to 1st January, 1831.

New-York, January, 1831.

	Pipes.	W. O. hhds.	Heading.	R. O. hhds.	Bbls.
No. of staves and heading the produce of the state of New-York,	1,494,399	662,676	22,676	13,563	398,220
Do. from other states,	335,021	506,958	37,174	1,401,275	261,635
Total,	1,829,420	1,169,634	59,850	1,414,838	659,855

REFUSE.

From the state of N. York,	221,922	151,582	27,960	37,364	71,591
From other states,	188,152	116,848	29,291	297,182	141,311
Total,	410,074	268,430	57,251	334,546	212,902

Total number of staves and heading 6,416,800, at 10 cents per
thousand, is \$641.68.

FRANCIS PECKWELL.

PROPOSED AMENDMENTS.

To His Excellency ENOS T. THROOP,
Governor of the State of New-York.

The Inspector-General of staves and heading for the city and county of New-York, in conformity with the duties of his office, respectfully recommends, for the protection of the articles of commerce under his inspection, that the following clause be added to section 122, art. 7, Revised Laws: "No registered ship or vessel shall take on board any staves or heading which have not been culled according to law, or which have been culled out and condemned as not merchantable, on any pretence or for any purpose whatever."

He also, for the convenience and interest of merchants and others dealing in said articles, and in accordance with their recommendations, suggests that the following clause be annexed to 3d of section 123 of said article 7, after hogshhead staves: "And all tierce staves shall be thirty-six inches long and three inches wide, clear of sap; and shall be at least three-fourths of an inch thick on the thin edge, and otherwise good and sufficient."

Likewise, that the following sentence be added to 4th of section 123, art. 7, after barrel staves: "Barrel heading shall be inspected as *three price* heading, and shall be at least eighteen inches long and six inches wide, clear of sap, and three-fourths of an inch thick."

Further, for the purpose of despatch, he respectfully recommends the following clause as an appendage to section 130 of said article 7: "The inspector-general shall have the power, in cases of emergency, of appointing one or more persons under oath, for the time being, to act as cullers of staves and heading, and to discharge them immediately on the cessation of said emergencies."

FRANCIS PECKWELL.

The undersigned, merchants and others, dealers in the articles of staves and heading, cordially and fully concur in the recommendations of the Inspector-General of said articles, and pray that the law may be altered accordingly.

Henry Stokes.
A. P. M'Elwain.
Tredwell & Thorne.
B. Blossom & Williams.
Henry W. Bool.
H. Harbeck.

Asa Mann.
Jeremiah Clark.
William F. Baker.
Henry Waring & Son.
Maitland, Kennedy & Co.
Tucker & Davies.

IN ASSEMBLY,

January 8, 1831.

REPORT

Of the Select Committee on the petition of settlers on the school lot in the town of Augusta, Oneida county.

Mr. Moulton, from the select committee to whom was referred the petition of the settlers on the school lot in the town of Augusta, in the county of Oneida,

REPORTED—

That it appears from the petition and statements made before the committee, that the settlers upon this lot entered upon the same several years since, and purchased the improvements made upon the same, with the expectation that the amount to be paid the state for the title, would be the sum of five dollars per acre, which was the sum charged for lands of this description in that section of country. A law relative to this land was passed April 2, 1827; the last section of which provides for the conveyance of the same for a sum which, at six per cent, would produce the amount now annually paid by the settlers, which is thirty dollars upon the hundred. The petitioners suppose that it never was intended to raise the price of this land to six dollars per acre, as is done by this section, and the committee deem it just and reasonable that the settlers should be allowed to receive their deeds on their paying into the treasury a sum which, at six per cent, the interest they now pay, would realize the amount annually paid on said school lot. The committee are satisfied that five dollars per acre, in addition to the amount paid by the settlers for improvement, is as much as the land is worth. They therefore ask leave to introduce a bill.

[A. No. 10.]

IN ASSEMBLY,

January 13, 1831.

REPORT

Of the Commissioners of the Land-Office, on the petition of David Kendall and others, settlers on the school lot, New-Stockbridge.

The Commissioners of the Land-Office, to whom was referred the petition of David Kendall and others,

RESPECTFULLY REPORT :

That the petitioners set forth that they are the present occupants and sub-lessees of a tract of land of one thousand acres, in New-Stockbridge, called the school lot ; that they purchased their several parts of the said lot, under the belief that they could obtain title to the land from the state, by paying into the treasury the money therefor, at the rate of five dollars per acre ; that by an act of the Legislature, passed on the 2d of April, 1827, they are required, in order to obtain title to the lands, to pay into the treasury such a sum as, at an interest of five per centum per annum, will produce the amount of the rent with which their lands respectively are charged ; and that this act, in effect, compels them to pay six dollars per acre.

The facts in relation to this tract of land are—that in the year 1804, it was directed to be leased upon perpetual leases, reserving an annual rent of thirty bushels of wheat upon each one hundred acres of the land, and appropriating the rents to the payment of the wages of a school teacher for the Stockbridge Indians. In 1805, the price of the wheat to be paid as rent, was fixed by law at
[A. No. 11.]

one dollar per bushel, thus making the rent thirty dollars upon each one hundred acres of the land.

The petitioners seem to suppose that this rent was fixed with reference to the value of the lands in their then state, and to the interest which the sum they were worth would have produced, if invested at six per cent. They probably infer this from the fact that six per cent was then and ever has remained, by law, the rate of interest charged by the state upon the purchase money due on the sale of unappropriated lands.

The Commissioners, however, have not been able to find that any appraisement of these lands was made previous to the act directing the leases, nor are they able at all to say upon what principle the rent was fixed. They however see no reason, from any thing they can find in the laws upon the subject, or upon the journals of the Legislature at the time these early laws were passed, which authorises them to say that the state then even designed to part with the title to the lands, or to change the tenure by which the lessees held.

In the Revised Laws of 1813, vol. 2, page 172, will be found a direction, "that the Treasurer shall annually pay, on the warrant of the Comptroller, the rents reserved in the leases for lands granted to John Gregg senior, John Gregg junior, and to James Alexander," (being the original leases for this one thousand acres of land,) "situated in New-Stockbridge, although such rents may not have been received into the treasury." This would seem to indicate that the Legislature did not contemplate any change, and certainly none which could affect the amount of the rents; for it should be constantly borne in mind, that the state has at no period possessed the least interest in this land or these leases, other than as it took upon itself, to this extent, the guardianship of these Indians and of their interests. The leases were made upon the petition of the Indians themselves, and in conformity with their wishes; and the state became responsible to them for the amount of the rent, and held and still holds the leases as its indemnity.

The Commissioners do not find any legislation upon this subject, subsequent to the act last referred to, until the year 1819. On the 26th of March of that year an act was passed, upon the application of Philip Pond and others, directing the sale by the Surveyor-General, in the ordinary mode of selling public lands, to the said

Pond, and all others legally interested in this land, of their respective parts thereof, upon their paying into the treasury a sum of money, the interest of which, at six per cent per annum, should be equal to the annual rent with which the land was charged, and upon their making a surrender of all the original leases for the whole tract.

This act would seem to have contained the precise provision for which these petitioners now ask. Why it was not complied with the Commissioners do not know, any farther than that they find, by a report made by the Surveyor-General to the Senate in 1824, that in a petition to that body, signed by David Frost and others, it was stated that the surrender of all the original leases could not be made, and that that fact was alleged as the ground of the failure by the occupants of this land, to avail themselves of the provisions of the act of 1819.

The next legislation upon the subject is the act of 1827, complained of in the petition. That act authorises the sub-lessees of this land to pay the rents due and to become due upon their respective shares of the whole lot, and to obtain credits to themselves, and upon their respective parcels of land, for all payments then previously made by each of them, according to certain terms and conditions specified in the first section of the act. The persons claiming to be the sub-lessees and occupants of that part of the one thousand acres leased by John Gregg, junior, have availed themselves of these provisions, and have obtained separate accounts to be opened upon the books of the Comptroller's office, in the name of each, for his share of the land, and of the rent.

The parts leased by John Gregg, senior, and by James Alexander, remain under the original leases, so far as the accounts for the rent are concerned, and in relation to those parts nothing has been done under this act.

The second section of this act contains the provision of which the petitioners complain, to wit: That in order to obtain title to their respective portions of the land, they are required to pay into the treasury a sum of money, the interest upon which at five per cent, (and not at six per cent) shall be equal to the rent charged upon their respective parts of the lot.

The question appears to the Commissioners to be purely one of bargain between the petitioners and the state, and to be entirely open and unrestricted by any proceedings heretofore had, unless the Legislature shall consider the act of 1819 as fixing the rate at which the reversion held by the state in this land should be sold. There can be no doubt that the state is bound to pay to the Indians the three hundred dollars, being the amount of these rents, annually forever. It holds these leases as the equivalent for these payments, and it is not questioned that the lands are perfect security for the rents. The only point to be decided therefore is, will the state sell its reversion at all, and take the risk of re-investment for the purpose of establishing some other fund which by its regular income will reimburse the treasury for these payments to the Indians? If so, upon what terms will the Legislature consent to make that sale?

In 1819 it was agreed to be made upon the payment of a sum which, invested at 6 per cent, would meet the payment or equal the rent. This act required that all the leases should be surrendered, and the whole money paid as one transaction. With the terms of this law the lessees did not, or could not, comply. In 1827 another act was passed, agreeing to receive a sum which, invested at five per cent, should indemnify the treasury, and allowing this payment by any person interested and upon any part. No one has expressed a wish to avail himself of this provision of this act. The act of 1819 must be repealed by the act of 1827, though that repeal is not expressed in words, and the substance of the present petition is, in effect, to have that act revived, and so extended, that any one of the persons interested may avail himself of its provisions separate from the others.

The petitioners, no doubt, suppose they are injured by the law of 1827—as they have habituated themselves to suppose that their rent was to be considered as the interest at six per cent, upon the purchase money of their lands. They have probably so valued the incumbrance upon their titles, and the present holders may have purchased with these views. But the Commissioners know of no act of the Legislature, or of any agents of the state, to authorise these conclusions, unless the established rate of interest upon the sale of state lands, or the act of 1819 above referred to, has done it; and it surely is for the Legislature to determine how far either of these considerations, or the self-created deception of these lessees,

afford the ground of an equitable claim to the relief they ask ; as it is also exclusively the province of the Legislature to say upon what terms the state shall receive the money for their reversionary right in these lands.

The Commissioners have considered it their duty, in as much as this subject is before the Legislature, to present them with a statement of these accounts, of the names of the occupants of this land, so far as they appear upon the Comptroller's books, of the quantity of land held by each, of the annual rent chargeable to each, and of the rent in arrear upon each account.

The statement annexed will show these facts ; and it is respectfully suggested that, in any legislation which may be had upon the subject, provision should be made for the payment of all rent in arrear upon any piece of the land, before the title to such piece should pass from the hands of the state.

As it has been formerly alleged by the occupants and sub-lessees of this land, that all the original leases could not be surrendered, it may be well for the Commissioners further to suggest, that under a general act directing them to patent these lands, they should not feel themselves authorised to issue patents for any part, until the original lease for such part was surrendered to them, or until its loss or destruction was conclusively proved. It may, therefore, be necessary for the Legislature to give to the Commissioners special directions upon this point, should they, by any act they may pass, order these lands to be conveyed ; as, without the power to produce and surrender the original leases, the petitioners might not otherwise be able to avail themselves of the relief intended.

SILAS WRIGHT, Jr. *Comptroller*,
A. C. FLAGG, *Secretary*,
SIMEON DE WITT, *Surveyor-Gen.*

Dated Albany, 13th January, 1831.

SCHEDULE OF LANDS, AMOUNT DUE, &c.

LESSEES.	Quantity land. Acres.	Annual rent.	Ar. rent to 1 Feb 1881.
James Alexander, sub's. 1 & 2,.....	158.19	\$47 22	\$62 06
John Gregg, Sen. sub's. 3 to 9,.....	300.00	90 00	306 19
John Gregg, Jun. underlet to William Farrington,.....sub. 10	77.29	22 97	46 76
David Frost,.....11	71.20	21 16	21 16
Zaccheus Barber,.....12	99.80	29 66	42 88
Robert Durkee,.....13	99.80	29 66	56 76
Gregg, Hodge & Brunson,.....14	49.90	14 83	69 56
M. Dudley, now P. Freeman,...15	24.92	7 41½	22 25
N. Brown,.....16	24.92	7 41½	7 24
Nicholas Cummings,.....17	99.90	29 69	58 40

IN ASSEMBLY,

January 14, 1831.

MEMORIAL

Of the Citizens of the Village of Ogdensburgh, St. Lawrence county, praying for an act to regulate Sales at Auction of Merchandize in said county.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened.

Your memorialists, citizens of the village of Ogdensburgh, would respectfully represent—That public sentiment, in relation to our auction system, has been so generally expressed as to render it unnecessary to detail its demoralizing effects, to satisfy an intelligent community that its restriction within narrower bounds is indispensable to the maintenance of sound morals and the existence of either useful or honorable mercantile dealing.

Were the evils confined to our large cities, or to the wholesale trade, less general would be the cause of complaint; but the same pernicious influence, so loudly deprecated on our sea-board, extends throughout the interior, and pervades every considerable village.—Almost every week in the year brings along one or more of itinerant persons, with a stock of goods of a very inferior quality, bought up at the petty auctions in the large cities. These goods are frequently put up in a room adjoining some grocery, and sold, day after day, and night after night, at auction, to purchasers who are unacquainted with, and have no opportunity of examining the quality, very much to the detriment of such purchasers, and especially so to the poorer class of community, injurious to the settled and established merchant, and in the wide field of retailing, extensively affects every class of our citizens, debases their sense of honorable traffic, and, as a necessary consequence of idle and promiscuous as-

[A. No. 12.]

semblages, induces the neglect of appropriate callings and promotes intemperance and vice.

Your memorialists are aware that the revenue yielded by the franchise is an important item in the finances of the state, judiciously appropriated to its internal improvement; yet, at the same time, they, in common with all who are conversant with the subject, are constrained to acknowledge that these benefits are far less than the evils resulting from the system, particularly to the inhabitants of country villages.

Believing that the extent of this evil is to be measured by the extent of country over which the system prevails, and the amount of population thus pervaded, rather than by the aggregate of sales under it in a given place, and believing that the only consideration to the state for the license to generate such evil, is derived from the impost per centum upon such aggregate, your memorialists would respectfully suggest the expediency of confining such license to those places which do thus, in the form of revenue, furnish the only consideration for the grant, and thereby remove the evils attendant upon the system of which your memorialists humbly complain.

Your memorialists, therefore, respectfully ask of your honorable body, to enact a law prohibiting auction sales in the county of St. Lawrence, in all cases other than those specified in the fourth and fifth sections of the first title of the seventeenth chapter of the first part of the Revised Laws.

Or prohibiting the sale at auction, of any article below the value of three dollars.

Or prohibiting sales at auction on more than one day in each week.

IN ASSEMBLY,

January 12, 1831.

REPORT

Of the Committee on Claims, on the petition of Abel Guthrie.

Mr. J. C. Spencer, from the committee on claims, to whom was referred the petition of Abel Guthrie, in behalf of himself and other heirs of Christian Guthrie,

REPORTED—

By an act of the Legislature, passed in 1829, the commissioners of the land-office are directed to cause letters patent to be issued to the heirs of Christian Guthrie for two hundred acres of land in Sterling, upon the said heirs releasing to the State all their claim to lot number ninety, in Milton. The petitioner not having complied with the condition, the two hundred acres have not been granted. He says he has releases from two of his brothers, but it would seem that he had sisters, who have left issue, but as he has not heard of them for twenty years, he presumes they are dead. It would seem that the commissioners of the land-office were not satisfied with the proof he offered respecting the heirs of Christian Guthrie, and delined issuing the letters patent. The petitioner prays some relief, and has intimated to the committee his willingness to take other land in Sterling in trust for the heirs of Christian Guthrie.

The act of 1829, very cautiously directs the letters patent to be issued to the *heirs* of Christian Guthrie, without naming them. And it would seem to have been intended to throw on the petitioner the burthen of showing who were such heirs, as well as procuring re-
[A. No. 13.] 1

leases from them. From an examination of the reports of former committees on this subject, the present committee think they discover good reason for this caution, and their opinion is confirmed by the statements of the present petitioner, that the issue of two of the petitioner's sisters are not accounted for. No evidence whatever has been adduced to them to establish who are the right heirs of Christian Guthrie.

They see no propriety in granting land to the petitioner in trust for those heirs, in preference to any other person ; but on the contrary, are well satisfied with the provision of the act of 1829, as they are calculated to cause the heirs, whoever they may be, to become acquainted with the grant to them.

With these views, the committee would recommend at once that the prayer of the petitioner be denied, with a view of leaving the heirs to avail themselves of the act of 1829. But by a provision of law, (1 Rev. Stat. 205, §45,) the commissioners of the land-office have no authority to execute the act, after twelve months from the time of the passage.

They think it but reasonable to extend the time to enable the heirs of Guthrie to avail themselves of the act of 1829. And as it is understood that there is yet land in Sterling to satisfy the grant, they have agreed upon a bill to attain that object, which they have directed their chairman to ask leave to introduce.

IN ASSEMBLY,

January 12, 1831.

REPORT

Of the Committee on Claims, on the petition of Gideon Castle.

Mr. J. C. Spencer, from the committee on claims, to whom was referred the petition of Gideon Castle,

REPORTED—

The facts of this case are so minutely detailed in a report of the Attorney-General to the house of Assembly, made March 3, 1830, which will be found among the legislative documents of the last session, No. 233, and also in a report of the committee on public lands, made at the last session, (No. 348 of the documents,) that the committee conceive it necessary only to notice the leading and prominent features of the case.

In 1819, proceedings by ejectment in behalf of the State, were instituted to recover lot 97 in Camillus, on the ground that it had escheated by the death of Robert Gipson, the patentee, without heirs. The petitioner applied to the then Attorney-General, Mr. Oakley, to stay proceedings as to 56 acres of the lot which the petitioner claimed to belong to him by virtue of a conveyance from Orremel Gipson, the nephew and heir of Robert Gipson. The petitioner declares that an arrangement was made with Mr. Oakley, by which it was agreed that depositions should be taken to establish the fact of Orremel Gipson's heirship. That such depositions were taken and submitted to the Attorney-General, who assured the petitioner that he would abandon all proceedings in relation to the fifty-six acres. This statement of the petitioner is corroborated and proved by the

affidavit of James Winder, who says he was present when the engagement not to proceed was made.

It is further corroborated by the testimony of the officer who took the depositions, who says he did so under the direction of Mr. Oakley, and by other strong facts in the case. Mr. Oakley's recollection is very indistinct, and his statement does not, in the opinion of the committee, invalidate that of the petitioner.

Judgments were however obtained by the confession of the tenants who hold leases under the petitioner, but as he says, without his knowledge. These judgments were obtained in May 1820, and in the month of November in that year, the lots were reported to the commissioners of the land-office. It is a remarkable fact that from this time to July 1828, no steps were taken on the part of the State, either to sell the land or to obtain the possession of it, but the tenants were suffered to remain undisturbed. Of course the petitioner rested easy, until in 1828 he accidentally saw an advertisement of the sale of the land in question by the Surveyor-General. He alleges that he attended the sale and solicited and remonstrated with the Surveyor-General, who told him that his only relief was to be had by the interposition of the Legislature. The petitioner supposed he had done all that he could or ought to do, and in 1829 prepared his papers for an application to the Legislature. His advanced age (being now 87 years old,) and his narrow pecuniary means, prevented him from making an earlier application. In 1830 his petition was presented to the Assembly, and referred to the committee on public lands, a majority of whom reported a bill directing the payment of \$800 to him. From the lateness of the session this bill was not acted on in the House, and the petition is now renewed.

From this outline of the leading facts, it is obvious that the petitioner has not been guilty of any neglect in asserting his claim in due time. And the committee think there can be no doubt entertained that the petitioner has acted under a full and honest belief that the proceedings to recover the land in question would be discontinued.

Whether this belief was founded on sufficient evidence, or whether it was from misapprehension, cannot be material; the result to the petitioner has been, that he has been deprived of the opportunity of establishing his title to the land. It appears to the committee that the most obvious dictates of justice require that the petitioner should be at least reinstated in the situation in which he was at the

time of the arrangement made with the Attorney-General. The committee however do not think there is sufficient evidence before them of the petitioner's right to the land, to justify their reporting a bill for the immediate payment to him of the money received by the State. They are of opinion that the right should be tried and determined either by a course of law, when an opportunity will be given to the officers of the State to contest the claim, or by some tribunal better adapted to the purpose of ascertaining the facts, than any committee of the House can be. They purpose therefore to allow the petitioner to apply to the commissioners of the land-office, and make proof of his title, and if they are satisfied on that point, to authorise them to direct the payment to him of \$800, with interest from the time the money was received by the State; or if the petitioner shall within six weeks, elect by a written notice to be served on the Attorney-General, to have his title tried in a court of law, that the Attorney-General shall make up an issue for that purpose, and upon the judgment of the supreme court therein being rendered in favor of the petitioner, that he shall be paid \$800, with interest, as before mentioned, together with his costs.

In conformity with these views, the committee have prepared a bill, which is herewith reported.

IN ASSEMBLY,

January 15, 1831.

ANNUAL REPORT

Of the Superintendent of Common Schools.

**STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }**

Albany, January 15, 1831.

TO GEORGE R. DAVIS,

Speaker of the Assembly.

SIR—Herewith is presented the annual report of the Superintendent of common schools.

I am, with great respect,

Your obedient servant,

A. C. FLAGG.

REPORT, &c.

STATE OF NEW-YORK—SECRETARY'S OFFICE,
Albany, January 15, 1831.

The Secretary of State respectfully submits to the Legislature the report required of him as Superintendent of common schools.

The statute makes it the duty of the Superintendent to present to the Legislature an annual report, containing,

"1. A statement of the condition of the common schools of the State :

"2. Estimates and accounts of expenditures of the school monies.

"3. Plans for the improvement and management of the common school fund, and for the better organization of the common schools ; and,

"4. All such matters relating to his office, and to the common schools, as he shall deem expedient to communicate."

1. As to the Condition of the Common Schools.

There are fifty-five organized counties, and seven hundred and eighty-five towns and wards, in the State. Returns have been received from all the county clerks, containing certified copies of the reports of the commissioners of common schools from every town in the State.

An abstract of the returns from the several towns, marked A, is appended to this report.

A general summary of this abstract, showing the results in the several counties, is given in the paper marked B.

From these abstracts it will appear that there are in the State, 9,062 school districts, and that of this number, 8,630 have complied with the conditions of the statute, by having schools kept by an inspected teacher, and making returns to the commissioners of common schools.

One hundred and ninety new districts have been formed during the year ending on the first of January, 1830; and the number of

districts which have complied with the statute, so as to participate in the public money, has increased 338 in the same time.

There are, in the districts from which reports have been received, 497,503 children over 5 and under 16 years of age; and in the common schools of the same districts, 499,424 scholars have been taught during the year preceding the first of January, 1830; the general average of instruction having been about eight months.

The number of children over 5 and under 16, excluding New-York and Albany from the estimate, has increased 24,194, since the last annual report; and the number of children taught in the common schools of the State, has increased 19,383 in the same time.*

There are seven counties in the state, namely—Oneida, Onondaga, Otsego, Jefferson, Cayuga, Genesee and Monroe, in each of which more than fifteen thousand scholars are reported as having been instructed during the year. The first of these counties, Oneida, has returned 20,265 between 5 and 16, and 19,731 children taught. Including the foregoing, there are twenty-four counties in the state, in each of which more than ten thousand children have been taught during the year embraced in the returns.

There are one hundred and fifteen towns, in each of which more than one thousand scholars are instructed; several towns report more than fifteen hundred, and a few large towns make returns of more than two thousand scholars taught annually.

There are eighty towns in which twenty or more school districts are organized in each; several of the towns have more than thirty districts. The general average of the number of districts including all the towns, is $11\frac{1}{2}$ for each town in the state. The average number of scholars instructed in the districts from which returns have been received, is a fraction more than fifty-seven for each school.—This estimate, as well as that relating to the number of children instructed, is based upon the whole number of scholars on the rolls of the schools, without reference to the time which each scholar has attended; and it is not to be understood that each one of the 499,424 scholars returned, has had 8 months of instruction during the

* The census of children residing in the districts, includes all of the age of 16, instead of 15, as heretofore: in consequence of this, the census of the children more nearly equals the whole number taught than in former years. Excluding the cities of New-York and Albany entirely from the estimate, and it leaves 492,451 children between 5 and 16, and 491,388 children taught; showing an excess of the children between 5 and 16 over those taught, of 1,063.

year; but that this is the aggregate number of scholars on the rolls of the schools, and receiving more or less instruction, and that 8,630 schools have been kept open for the reception of scholars an average period of 8 out of the 12 months.

The first returns under the present school system were made in 1816. There were reported in that year 2,631 schools, in which 140,106 children were instructed. The increase of the number of schools returned has been 5,999 in fifteen years, and the increase of the number of scholars instructed, has been 359,318 in the same period. The number of children returned in 1816, between 5 and 15, was 176,449; the increase since that time has been 321,054. The school act was revised, and new forms were adopted, in 1819: so that in 1821 the system was in fair operation; and since that period the average annual increase of the children between 5 and 15 has been about 17,300: and the average increase of the number of scholars instructed has been about 20,000 each year, for the last eleven years. The paper marked C, exhibits a comparative view of the returns from 1816 to the present time.

II. *Estimates and Expenditures of the School Monies.*

During the year preceding the first of July, 1830, the public money received by the commissioners of the towns, and apportioned to the districts which had made returns, amounted to \$238,651.36 cents: of this sum \$100,000 were paid from the state treasury; \$124,556.04 cents were raised by tax upon the several towns, and \$14,095.32 cents were derived from local funds possessed by certain towns.

The boards of supervisors are required to assess upon each town a sum equal to the amount apportioned to the town from the state treasury, as its share of the public money; and this assessment is made without a vote of the town. In addition to this, the inhabitants have authority to vote a tax upon the town, equal to the amount apportioned from the school fund of the state. In the towns where such a resolution is passed, the board of supervisors are authorized and required to assess upon that town double the amount of the apportionment from the state treasury; which sum, when collected, goes into the hands of the school commissioners, and together with the money received from the state treasury, constitutes the public school money for that town.

The public money paid to the common schools during the past year exceeds, by \$23,811.22 cents, the amount paid the preceding

year. Of this increase fourteen thousand dollars were raised by tax in New-York, in pursuance of an act passed in 1829, requiring the corporation to collect a sum equal to one-eightieth of one per cent of the value of the real and personal property in the city, to be applied exclusively to the purposes of common schools. The towns have raised about 6,000 dollars by vote, in addition to the sum required to entitle them to the school money paid from the treasury. The amount returned, as having been paid in the districts for teachers' wages, over and above the public money, exceeds by \$49,758.76 cents, the sum paid for the same object the previous year. About the same number of towns omitted to make returns in each year.

The productive capital of the school fund has been increased \$80,000 during the past year, by sales of lands belonging to the fund.

There is now in the treasury, belonging to the capital of the common school fund, \$83,463.85 cents, which by the present statute is to be invested in any of the stocks of the state, at the market price of the same.

The productive capital of the school fund now amounts to \$1,696,743.66 cents. The revenue actually received into the treasury on account of this fund, for the past year, has been \$100,678.60 cents. This is the first year in which the revenue of the fund has produced the sum required for the annual distribution. The receipts of the coming year, are estimated by the Comptroller at \$101,350.—The statement marked D, contains the items of which the school fund consists, and the estimate of revenue upon each item.

The constitution which was adopted in 1821 contains the following provision :—"The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public uses, or ceded to the United States, which shall hereafter be sold or disposed of, together with the fund denominated the common school fund, shall be and remain a perpetual fund, the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this state." The construction given to this provision in the constitution by the Commissioners of the Land-Office is, that it embraces all lands which were unappropriated at the time the constitution took effect. It will be seen by a report made to the Senate in 1829, by the Commissioners of the Land-Office (Senate Journals of 1829, appendix F.) that the school fund

lands amounted to 869,178 acres. More than 850,000 acres out of the 869,000, lie in the fourth Senate district, and in the great wilderness which is surrounded by the settlements in Montgomery, Warren, Essex, Clinton, Franklin, St. Lawrence and Herkimer counties. The increase of the productive capital of the fund, from the sales of these lands, will not be as great in amount, or as rapid, as seems to be demanded by the great increase of the children who are in need of common school instruction.

There is a local school fund derived from lots reserved by the state for gospel and school purposes in several of the towns in the counties of Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Seneca, St. Lawrence and Tompkins. Ninety-six towns are reported as having participated in this or other local funds, the total amount of which, for the past year, was \$14,095.32 cents. The funds derived from the gospel and school lots are safely vested, and the interest only is apportioned annually to the common schools. Some of the towns receive an annual interest from this source, of \$500, and others as high as \$1,000. The paper marked E, shows the towns which have shared in the benefits of these reserved lots.

III. *The Management of the Common School Fund.*

The productive capital of the common school fund consists of 407,000 dollars of five per cent canal stock ; of bonds and mortgages for lands sold, 242,613 dollars, bearing an interest of six per cent : of the loans of 1786, 1792 and 1808, amounting in all to 703,692 dollars, at an average interest of about six per cent : of bank stock 230,000 dollars, on which the dividends have heretofore been six per cent : loans from the capital to the counties of Broome, Clinton, Erie, Chautauque and Cattaraugus, 18,800 dollars, at an interest of six per cent. These sums are safely and profitably invested, and with the exception of the interest on the individual bonds for school fund lands sold, the revenues arising upon these items may be counted upon with reasonable certainty.

Applications have heretofore been made, and others will probably be presented at the present session, for the loan of portions of the school fund to various counties. Such loans, at six per cent, are at least as profitable and as safe as any investments which can be made at this time ; provided, the county be held responsible for the payment of the interest annually, and for making up all losses in the principal.

The loans of 1786 and 1792 were made on the responsibility of the counties, and the loan-officers are appointed by the boards of supervisors of the several counties. For the loan of 1808 the counties are not responsible for deficiencies, and the commissioners of this loan are appointed by the Governor and Senate.

In the revision of the statutes on the subject of these loans, the "Loan-Officers", who have charge of the loans of 1786 and 1792, are so blended with the "Commissioners of Loans", who have charge of the loans of 1808, as to raise a question whether the losses upon the loans of 1786 and 1792 shall be borne by the counties or by the school fund. The law in relation to the loan of 1792 provides, that "if any deficiency has happened, by borrowers not having right to the lands mortgaged, or by the selling thereof at a less price than what is before mentioned, or otherwise—then the said supervisors, or a majority of them, with the concurrence of one or more of the county judges, shall cause all such deficiencies to be assessed and levied in the county, as other county charges, so that the whole of such deficiencies be paid to the said loan-officers by the first Tuesday of May then next following." Under this provision several of the counties have been heavily taxed to make up for deficiencies in the fund. The county of Dutchess in one case paid 7,000 dollars; and the great security of these loans was the liability to which the counties were subjected; and it never could have been the intention of the Legislature to surrender this security in regard to them.

It will be in vain that the constitution has thrown its protection around the school fund, and has declared that it "shall be and remain a perpetual fund," if the security on which it rests is to be given up in regard to investments which remain unchanged.

It is a matter of justice to the school fund that sec. 46, page 374 of the 1st Revised Statutes, should be so modified as to remove any question about the liability of the counties to make good all deficiencies in the loans of 1786 and 1792; or in other words, to allow the security in regard to all the loans to remain upon the same footing as heretofore.

The school fund has 180,000 dollars in the stock of the Merchants' Bank in the city of New-York. The charter of that bank expires in 1832, and an application has already been made for its renewal. If, from any cause, the charter should not be renewed, it

is obvious that some embarrassment may be experienced in regard to the annual revenue arising from that item of the fund ; and it would also be necessary to provide for the re-investment of the avails of the stock.

The attention of the Legislature is respectfully called to the suggestion in the last annual report, in regard to authorising the Commissioners of the Canal Fund, whenever loans are to be made, to issue five per cent stock at par, to take up the amount of the school fund capital in the treasury at the time of issuing the stock. A law of this character was passed in 1829, (chap. 325) in relation to the stock of the Cayuga and Seneca canal. A similar law is recommended in relation to the stock to be issued for the canals now making. There is 150,000 dollars of stock yet to be issued for the Chemung canal, and the Commissioners of the Canal Fund might be authorized to use the 83,000 dollars of school fund money now in the treasury, and issue five per cent stock at par for the use of the school fund.

If this deprives the local fund of the benefit which might be obtained by a sale of the stock in market, yet as the premium is paid upon the credit of the state, and as every section will have to contribute to sustain this credit, it is entirely just that this premium should be shared by the whole state ; which will be the case if it is yielded to the common schools.

IV. *The organization of the Common Schools.*

The best proof of the excellence of the organization of our common school system, is found in the fact, that the trustees of 8,630 districts have made reports to the Commissioners of Common Schools ; showing that in each of these districts a school has been taught for at least three months during the year, by a teacher to whose qualifications the Inspectors have certified ; and furnishing also a census of the number as well of resident children, as of those instructed ; and rendering an account for the public money received by their district the preceding year. That abstracts of these reports of the trustees, have been made out and transmitted to the county clerks, by the Commissioners of 785 towns and wards ; and that copies of these reports of the Commissioners of Schools, under the certificate and seal of the county clerks, have been transmitted to the Superintendent, embracing returns from every town and ward in the state. The school money arising from

the state fund, is paid by the Comptroller, on or after the first of February, to the treasurers of 55 counties, and by these officers is distributed to the commissioners of 785 towns and wards, according to the apportionment furnished to the treasurer by the Superintendent; and by the town commissioners the money is apportioned according to the children over 5 and under 16, and paid to the trustees of 8,630 school districts; and by the latter officers is paid to the teachers in the several district schools. There are more than fifty thousand officers of common schools, and a defalcation, or any misapplication of the school money, by any of the numerous officers through whose hands it passes, is of rare occurrence. In the returns of the present year, two instances only are reported in the whole state.

These are results highly creditable to the fidelity of the officers of common schools; and they give evidence of a zeal in the cause of common school education, and an attention to this vital interest, which must command the approbation, and encourage the hopes, of every friend of our free institutions.

If there is reason to regret that the standard of education, in the schools generally, is much below what it ought to be; still there is good reason to rejoice, that such great results have crowned the efforts of a few years.

It is gratifying to witness the increased attention which men of intelligence are bestowing upon the subject of common school education in all parts of the state. These efforts, aided by the public press, will invigorate the system, and give a new character to the schools.

A committee of the citizens of Rochester presented a memorial to the last legislature, which evinced much research and attention to the subject of common school instruction; and proposed a plan for a state seminary for the education of teachers, and a town central school, in order to extend the system to each town in the state. This document is numbered 367, of the last session.

The establishment of a seminary for the special education of teachers, has been a favorite plan with those who have turned their attention to the improvement of common schools in this as well as in other states; and Governor Clinton recommended such a seminary in his message to the Legislature, in 1827.

The committee on literature, in the Senate, to whom this subject was referred, in a report made to that body, in 1827, (Senate Journals, p. 226,) came to the conclusion that the academies may be made to answer the purpose of seminaries for the preparation of teachers for the common schools. To aid in the accomplishment of this object the act of April 13, 1827, was passed, entitled "An act to provide permanent funds for the annual appropriation to common schools, to increase the literature fund, and to promote the education of teachers."

This law appropriated 150,000 dollars to aid the academies, and 133,616 dollars to aid the common schools; making the total sum of 283,616 dollars, taken from the general funds of the state, and applied to the academies and common schools, in that year.

The Regents of the University have not been unmindful of the obligation which rested upon them, in consequence of this liberal appropriation to the literature fund; and their annual report of 1828, encourages the belief that the seminaries which participate in the literature fund, will in some measure become nurseries of teachers for the common schools.*

In 1830, the sum of ten thousand dollars, arising from the literature fund, was apportioned to fifty-five academies, which reported more than two thousand students pursuing classical studies, or the higher branches of an English education.

The paper marked F, which exhibits the number of academies and their location, the number of scholars, and the money apportioned to each school, as well as their classification in the several districts, is extracted from the appendix to Mr. Butler's Discourse before the Albany Institute. This schedule shows that there is a number equal to seven seminaries, in each senate district, which

* The Regents in their annual report say—"The academies have become, in the opinion of the Regents, what it has been always desirable they should be, fit seminaries for imparting instruction in the higher branches of English education, and especially for qualifying teachers of common schools, as well as for preparing students in classical studies, preliminary to a collegiate course. For this elevation and degree of usefulness, to which our academies have thus happily attained, they are chiefly indebted to the munificence of the Legislature; first, in the original establishment of the literature fund for the special encouragement of these institutions, and next in the gradual increase of that fund, from time to time, until, by the extraordinary and most liberal endowment of 150,000 dollars, made by the act of April last, the fund has become of such magnitude as to enable the Regents to distribute to every academy, entitled to participate in a dividend, sufficient, with the aid of ordinary tuition money and other revenues, to secure the services of the most able teachers, and thereby to enable the several institutions to fulfil all the beneficial ends for which they were established.

"The Legislature having, by the act before referred to, declared it to be one of their primary objects in the great increase made by them of the literature fund, to promote the education of teachers, the Regents equally with the Legislature, being impressed with the sense of the paramount importance of this great object, will always cheerfully co-operate in promoting its speedy accomplishment."

are capable of fitting teachers for the common schools. These seminaries have already received, from the funds of the state, in grants of money, of land, and in the revenue of the literature fund, the sum of 169,716 dollars, and are now receiving annually the revenue (\$10,000,) of a capital of 256,000 dollars.

What more ready or practicable plan can be offered, than to convert these numerous academies, equal in number to the counties in the state, into seminaries for training teachers? The state has done much for these schools, and something in aid of the cause of the common schools may reasonably be expected from them. And if the required information, to fit a person for teaching, can be obtained in the present institutions, sound policy and good economy are in favor of relying upon them for the training of teachers. There is already invested in real estate, buildings, libraries, and philosophical apparatus, an amount of more than 400,000 dollars in the incorporated academies, which are subject to the visitation of the Regents of the University. The teachers of these academies are represented by the Regents as well qualified to discharge the duties of their stations. Is it not feasible, as well as desirable, to make these seminaries the nurseries for teachers? The Regents are desirous that it should be so, and the instructors of the academies are not only willing, but able, to discharge their duty in the premises. They are generally persons of good talents, of experience in the business of teaching; and they are the very persons from whose ranks the professors of a state institution would be selected, if one was established. Can they not be made equally, if not more, useful in their present situations?

It is urged, however, that very few of those educated at the colleges or academies, engage as teachers of the common schools, and that there is a very great deficiency in the number of those who are properly qualified.* This state of things is conceded, and the impor-

* The committee appointed by the inhabitants of Rochester, addressed circulars to the inspectors of the several towns in Monroe; and the following interesting facts are given as the result:

- I. That the average proportion of instruction by male teachers, in each town, is four months.
- II. By female teachers, five months.
- III. That the average number of male teachers, who have received an education at our incorporated academies or colleges, is very small; say from one-fourth to one-tenth of the whole number employed, probably an average of one-eighth.
- IV. That "a great number" of incompetent teachers have been employed, and the causes assigned are—The scarcity of competent teachers; the smallness of compensation; the fault of inspectors in giving certificates to incompetent teachers; the yielding of inspectors to the solicitations of trustees to give a certificate after examining a teacher and finding him deficient; the employment of female teachers during the summer months, without being examined; the law requiring a school to be taught only three months by a qualified teacher, to entitle a district to receive its quota of the public money; the neglect of inspectors to visit schools; the want of the necessary interest, in many parents, on the subject of the proper culture of the

tant question arises, why is it so? Is not the principal cause to be traced to the smallness of the compensation of teachers, compared to that which is paid to persons of good talents and acquirements in all the other pursuits of life?

The expense of a state seminary would be a serious objection, in the present state of the treasury, even if it promised to accomplish, what has not been realized from the academies—namely—to supply the districts with first rate teachers, for second rate prices.

The revenues of the State have been liberally contributed in aid of the colleges, academies, common schools, and the canals; and these measures, which have added so much to the honor and glory of the State, as well as to the wealth and permanent good of its inhabitants, have so far exhausted the general funds, that the establishment of seminaries for teachers could only be accomplished by a tax upon the people to pay the expense. If they are unwilling to be assessed in their districts to pay the wages of competent teachers, who have been educated in academies already erected, would they be willing to pay a tax for a seminary to train the teacher, and afterwards contribute in the district to pay him the required wages to ensure his services?

Another plan has been suggested, which contemplates the establishment of state schools; in which it is proposed to relieve the parents from the care of their children, who are to be taken under the guardianship of the state, and not only educated, but clothed, fed and lodged in apartments connected with the establishment.

It is urged in support of this plan, that a strictly republican education is essential to the preservation of that equality which is contemplated by our free institutions, and that “if the children from the state schools are to go every evening, the one to his wealthy parents’ soft carpeted drawing-room, and the other to its poor father’s or widowed mother’s comfortless cabin, they will not return the next day as friends and equals.”

mind of their children, exhibited by their neglect to visit the schools, and their disposition to use, in many instances, less liberality in the payment of teachers, than in any other department of domestic economy.

V. That the average compensation, per month, to male teachers, is \$12 to \$14, to female teachers, \$4.50.

VI. That the average number of different kinds of spelling books, used in each town, is four, grammars four, arithmetics five, geographies four.

VII. That the inconvenience experienced from frequent changes of books, arising chiefly from the diversities of taste or judgment in the teachers, “is very great.”

This new system would not reach the children of those who now send to private schools, any more than the present system does.

In the country towns, the great mass of the inhabitants send to the district schools; and it would be fortunate indeed, if our common schools had no greater evils to overcome, than this imaginary one, of an apprehended inequality which is to interrupt the association of school children, because there may be an inequality in the property of their parents.

In the practical operation of our system, does the evil complained of exist? The children of the rich and the poor meet at the district school upon a footing of perfect equality, and the only distinction recognized by law or custom, is, that of scholarship and good conduct. At home, the wealthy parent, who has any practical common sense, teaches his children that their future advancement and standing in society will be controlled by the same causes which influence the destinies of the children of their less wealthy neighbors, viz: by their own exertions and good conduct; and the children of the poor are taught by the precepts of their parents, as well as by the practical operations of our free institutions, that the first honors of the nation may be achieved by the persevering industry, and virtuous conduct, of a boy who commences his career in the humblest walks of life.

The children of the poor are as much attached to their homes, however humble, as are those of the rich, however splendid; and it is more common to see the children of a school awarding distinction to a good scholar whose parents are poor, than to see them paying deference to one, merely on account of the wealth of its parents.

If the attainment of a republican system of equality is the object aimed at, who that has a knowledge of our population would advise the substitution of state guardianship, even for the children of the poor, in preference to the more natural, and much more useful guardianship, of their humble parents; whose attachment to their children increases their love of country, because its institutions hold out to their offspring advantages which it is not their lot to bestow: Having few objects on which to bestow their affections, they have a larger share for their children and their country; and if disinterested patriotism is any where to be learned, it is at the fireside of the humble, unpretending citizen. While his children are taught that they must labor for six months in the year in order to enjoy the advantages of the common school for the other six months, they are at

the same time taught to believe that they are in no respect inferior to those of their wealthy neighbors; and that meritorious conduct, and not property, is the true passport to distinction. Instead of inculcating sentiments which tend to degrade them in their own estimation, the children of the great mass of our population are taught, at home, lessons of the purest republican equality, and of the loftiest patriotism.

Our present system, except in the cities and a few villages, where special laws interfere, is admirably constructed to bring the children of the rich and the poor together, without the feelings of arrogance in one portion, or of degradation in another. The indigent receive the contributions of the wealthy in the support of the school at which the children of both are instructed, without any circumstances which give to the school the character of a pauper establishment, or which enable the children of the rich to know or feel that any of their school-fellows are placed there upon a footing different from their own.

The operations of the system may be illustrated by taking the case of two persons in a district, each having children, the one worth 10,000 dollars, and the other limited to the property which is exempt from execution, and his family dependent for bread upon his daily labor. The first pays the town tax to make up the amount corresponding with the apportionment from the state treasury; he then pays a tax in his district for the erection of a school-house, and for furnishing it with fuel and necessary appendages: So far, the poor man in the case supposed, has not been called upon to contribute any thing, although the school-house has been erected and furnished with fuel and appendages, and one third of the money to pay the teacher has been raised. At this point in the operation of the system, the children come together at the school upon a footing of the most entire equality. How can it be otherwise, for the parents of each have complied with all the requirements of the law; and in applying the public money, the children of the rich and the poor share alike? If one is the recipient of the public bounty, and obnoxious to the imputation of being a charity scholar, he is not more so than the other.

It is susceptible of demonstration, that our system does bring the children of the rich and the poor together in the great majority of the schools. In 481 towns, there are more scholars taught than the whole number of children between 5 and 16; and in a great majority of the 275 remaining towns, those instructed approach so near

the whole number of children between 5 and 16, as clearly to show that the schools embrace the children of nearly all the inhabitants of the districts and towns.

It will be seen, also, by reference to the paper marked G, that in 52 counties, the proportion of those instructed in the common schools, is more than 1 to $3\frac{1}{2}$, and in the whole state, about 1 to $3\frac{2}{10}$, of the whole number of souls.

With this state of facts, can any one doubt that the great mass of the children of the rich and poor mingle and are instructed together in the common schools? This system, then, secures all the advantages of the most liberal republican equality, without any of the disadvantages, and great burthens, of the state guardianship system.

If there are any scholars in the district, whose parents are in indigent circumstances, the trustees have authority to release them from the payment of any thing whatever ; and this is done at the close of the term, in such a manner as to divest the transaction of all circumstances calculated to wound the feelings of the scholars.

It is one of the most valuable features of our school system, that while its tendency is to induce those in easy circumstances to send their children to the district school, the poor are not turned away, but in truth are instructed at the same school with their more fortunate neighbors, upon a footing of the most friendly equality. To this, more than to any thing else, are we indebted for the success which has attended the school system. Establishments designed merely for the education of the poor, have such a tendency to form a degraded class, and are so nearly associated in the public estimation with pauperism, that they will be shunned by all persons of spirit and independence of mind. A plan for the education of the poor only, so far as the country towns are concerned, would be worse than useless. The only practicable method by which a state can hope to educate the poor, in a republican government, is also to embrace, in their arrangement, those children who are not dependent upon the state for their education.

The radical difference between our school system and the provision for instruction in Pennsylvania and Virginia, is, that ours embraces the whole population, and theirs only the poor. To this,

more than to any single cause, may be ascribed the success of our plan, and the failure of theirs.*

There is a rapid increase of the children requiring instruction, while the augmentation of the school fund is gradual. The annual apportionment from the state treasury amounts only to 20 cents to each child, between 5 and 16, in the state. The apportionment from the school fund in Connecticut, gives about 85 cents to each child within the enumerated class. If the mere distribution of money from a state fund, would produce good schools, it might be inferred that those in Connecticut were much superior to our own. But even there, with an ample fund, there is much complaint in regard to the low state of common school education.†

Our system is well calculated to awaken the attention of all the inhabitants to the concerns of the district school. The power given to district meetings to levy a tax, to a limited extent, upon the property of the district, excites a direct interest with all the taxable inhabitants to attend the district meetings, whether they have children requiring school accommodations or not. The wealthy are thus prompted to act as trustees and to watch over the concerns of the district,

* The "Pennsylvania Society for the promotion of public schools," remark upon the Pennsylvania system as follows: "We have reserved, hitherto, our opinion of the great and radical defect, the incurable evil which is inherent in the school system of Pennsylvania, a system which is in opposition to the most sensitive and the strongest moral feelings of our citizens. The feelings of the poorer classes will not permit them to enrol themselves as paupers, in order that their children may receive their education from the charity of the public."

Mr. Mercer, of Virginia, in his Discourse on Popular Education, delivered at Princeton, New-Jersey, states, that "Virginia and New-York, almost at the same moment, provided and set apart a 'permanent fund' for primary or common schools. Forty-five thousand dollars is annually apportioned in Virginia to the counties, and the portion for each county is placed at the disposal of the commissioners annually appointed by their respective courts, and charged with the obligation of applying the sum received by each, to the education, by such schools as may be found to exist, of the children of those parents who are unable to pay for their instruction. The entire number of children benefitted by the application of the fund, during certain portions of the last year, are but about ten thousand, being less than a moiety of the total number reported to be in a condition to require for their education public aid." Pages 52 and 57.

† A very intelligent citizen of Connecticut, in giving his views of the school system of that state, remarks as follows:—"Requiring of the recipients of this public bounty nothing more than that it be expended according to the provisions of the law, is an obvious defect in this system. In this point, the policy adopted in the state of New-York is deserving of imitation. A sum proportioned to the amount received from the state, ought to be advanced for the same objects, by all to whom it is distributed, excepting the indigent. Such a proposition would cause a valuable augmentation of the revenues of teachers, and in that way command services of a higher character. But I should not consider that as its highest excellence. We know, from common and universal experience, that little interest is felt in that which demands neither expense nor attention. Our country is affluent, and pecuniary means may be commanded for whatever we have the will to perform. Few, comparatively, are so indigent as to need charitable aid in the education of their children. A public fund for the instruction of youth in common schools, is of no comparative worth as a means of relieving want. A higher value would consist in its being made an instrument for exciting general exertion for the attainment of that important end. In proportion as it excites and fosters a salutary zeal, it is a public blessing. It may have, on any other principle of application, a contrary tendency and become worse than useless. It may be justly questioned whether the school fund has been of any use in Connecticut. It has furnished a supply where there was no deficiency. Content with the ancient standard of school instruction, the people have permitted the expense of sustaining it to be taken off their hands, and have aimed at nothing higher. They expended about an equal sum before the school fund existed. They would willingly pay seventy thousand dollars more, if made a condition of receiving the state bounty, and thus the amount would be doubled, for an object in which they would then feel they had some concern."

in order to see that its affairs are conducted with care and economy; and much of the intelligence of the district is put in requisition by the peculiarity of our plan, which might be wholly lost to the districts if the whole expense of the tuition was provided by a state fund.

It is perhaps not easy to form a satisfactory opinion as to the mode of providing means for the support of common schools which is the best calculated to diffuse instruction among the great mass of the people. Persons who have given much reflection to this subject are divided in their opinions, whether the greatest good is accomplished by having the state fund provide for the whole expense—by having the inhabitants taxed for the whole expense—or by having the state fund contribute a share, and the inhabitants taxed for the residue.

In Connecticut, the state provides about the amount which is expended for teachers' wages in most of the common schools. In Massachusetts, Maine, New-Hampshire and Vermont, the expense of the schools is paid by a tax upon the inhabitants. In New-York there is a combination of the two systems referred to—the state providing a part, and the inhabitants, by tax, another part. Under the operation of these various systems, in different states, it is believed that there is no very essential difference in the grade of the great mass of the common schools. One very competent judge, in regard to such matters, has expressed a decided opinion in favor of the system in Maine, where there is no state fund, and where each town is required to raise by tax a sum for schools equal to 40 cents for each person enumerated in the census. Another eminent individual has pronounced that system the best where a state fund is provided as an inducement to the inhabitants to organize districts, and which at the same time requires such a local tax as will command the attention of the inhabitants, and excite an interest in the district operations.*

The sums of money expended upon the common schools, and the general results, would not be essentially different under the sys-

* Of the three modes of providing for popular instruction—that in which the scholars pay every thing and the public nothing—that in which the public pays every thing and the scholars nothing—and that in which the burden is shared by both; the exposition given by Dr. Chalmers, in the "Considerations on the System of Parochial Schools in Scotland," in favor of the last, appears to us to be unanswerable. When people know that they can get their instruction for nothing, they care very little about it, and are so apt to wait till the proper period for education be gone, without seeking it at all, that we perfectly agree with this most accurate observer of the habits of his countrymen, that "one consequence of *charity* schools with us, has been a *diminution* in the quantity of education."

[*Edinburgh Review*, No. 91.]

tem adopted in Maine, from what they are under our own. According to the ratio of taxation adopted in Maine, the county of Dutchess would pay a school tax assessed upon the several towns, of \$20,370 dollars; under our system the money expended for the common schools of that county, including 2,980 dollars received from the state treasury, amounts to 20,862 dollars: Ontario would be taxed for schools, according to the Maine system, 16,148 dollars, and according to our system, the money expended in that county for the support of schools, amounts to 16,936 dollars.

These counties have a dense population, are wealthy, have no local funds, and are selected as fair specimens for illustration; the one being in the eastern and the other in the western section of the state.*

It has been urged, that the amount distributed from our fund is too small, and that an increase of the fund would of itself raise the standard of the common schools; but an increase of the school monies would be much more likely to decrease the contributions of individuals, than to elevate the standard of the common schools. If a majority of the trustees or inhabitants of a district have fixed their minds upon 10 dollars, as the monthly wages which ought to be paid to a teacher, and if that district receives 30 dollars, it is not improbable that they would employ their teacher for 3 months, which answers the requirements of the statute, and pay him the 30 dollars; and thus their whole duty in relation to the school for that year is discharged. Having fixed their standard at 10 dollars per month for the teacher, if they only receive 15 dollars from the public fund, they would employ the same teacher, and pay the additional 15 dollars out of their own pockets. When the inhabitants of that district should become satisfied that it was for the interest of their children to employ a well qualified teacher for the whole year, at 25 dollars, they would employ such teacher whether the state should pay one-half or one-tenth of the amount.

* The following comparative view shows the amount paid for teachers' wages, including the sum received from the state, under our system; as well as the sum which the same counties would pay by raising an amount equal to 40 cents for each person, according to the system in Maine. The counties are selected from each of the 8 Senate districts in the state.

Districts.	Counties	Would pay, on the Maine system.	Actually paid under our system, the past year.
1.	Suffolk,	\$10,712	\$10,874
2.	Dutchess,	20,370	20,862
3.	Columbia,	15,950	16,719
4.	Washington,	17,812	18,900
5.	Jefferson,	19,368	14,588
6.	Otsego,	20,548	16,732
7.	Ontario,	16,148	16,936
8.	Livingston	11,081	10,527

Our system of common school instruction is founded upon the principle that the state, or the revenue of the school fund, will pay only a share of the expense, and that at least an equal share, as the condition of receiving the state fund, shall be assessed upon the property of the town. In addition to all this, and as a necessary pre-requisite to a participation in the public money, the inhabitants of each district are required to tax themselves for building a school-house and furnishing it with the necessary fuel and appendages.

In order to have a full view of the operations of our system, the trustees of school districts have been required, for the last three years, to return the amount paid for teachers' wages in each district, over and above the sum received from the state treasury, from the town tax, and from the local school fund. Seven hundred and forty-two towns and wards have made returns, which show a total amount paid by the patrons of the common schools, besides the public money received by the school districts, of 346,807 dollars; which, added to the public money, makes an aggregate of 586,520 dollars, paid for teachers' wages alone, in the common schools of the state.

Thus it will be seen, that where the state, or the revenue of the school fund, pays one dollar for teachers' wages, the inhabitant of the town, by a tax on his own property, pays \$1.25 cents, and by voluntary contribution in his district, \$3.46 cents, for the same object; and the local fund amounts to an average of 15 cents more.

The foregoing results are given from actual returns, and may be relied upon. They exhibit only the sum paid for teachers' wages, which is less than half the expense incurred for supporting the common schools, as will be seen by the following estimates.

The average between the whole number of districts, and those which have made returns, deducting 22 for New-York, gives 8,824; this number of school-houses, at an average price of 200 dollars each, would show a capital of 1,764,800 dollars; add to this the cost of the school-houses and their appendages in New-York, 163,436 dollars, and it gives a total of 1,928,236 dollars, vested in school-houses, which at an interest of six per cent

would be	\$115,694 00
Annual expense of books for 499,434 scholars, at	
50 cents each,	249,717 00
Fuel for 8,846 schools, at \$10 each,	88,460 00
Amount carried forward.....	\$453,871 00

Amount brought forward,.....	\$453,871 00
Amount of public money paid for teachers' wages,	239,713 00
Amount paid in the districts for teachers' wages, besides public money,	346,807 00
Estimating in same ratio for 43 towns which have not returned amount over and above public money,	21,308 00
	<hr/>
	\$1,061,699 00
	<hr/>

showing a total amount of one million and sixty-one thousand six hundred and ninety-nine dollars, expended annually for the support of the common schools of the state.

The preceding estimates show that the revenue of the school fund (that is, the amount derived from the State treasury) pays less than one-tenth of the annual expenditures for the support of the common schools; another tenth is raised by a tax upon the property of the towns respectively; and the two-tenths thus made up, (being the item of 239,713 dollars in the foregoing statement,) constitutes what is called the school money, and is the sum received by the commissioners of the towns, for distribution among the several districts. Something less than two-tenths (for school-houses and fuel) is raised by a tax upon the property of the district, in pursuance of a vote of the inhabitants thereof; and the residue, nearly six-tenths, or 617,822 dollars, is paid voluntarily by the parents and guardians of the scholars, for books, and for the balance of their school bills, after the public money has been applied.

The Superintendent begs leave to refer to the last annual report, (document No. 31,) for an abstract of the various kinds of books used in the common schools. It is desirable that the schools should be supplied with elementary books adapted to the capacities of children, and accurate in regard to all the subjects of which they treat. It has been urged, that uniformity in the books used in the schools ought to prevail, and applications have frequently been made to the Legislature, to adopt by statute, particular books for the use of the common schools. The committee on literature in the Assembly, last year, investigated this matter, and the chairman made a report, (document 431, of 1830,) to which the attention of the Legislature is respectfully referred.

No man or set of men could make out a list of class books for the instruction of half a million of scholars, which would give general satisfaction ; and there is great reason to believe that the experiment to produce uniformity, would do more harm than it promises to do good. In view of all the difficulties which surround this subject, the Superintendent believes that it is best to leave the selection of class books to the intelligence of the inhabitants of the districts and towns.

In the cities, and in several of the villages, the public money is restricted to a very few schools ; and in some of the villages, to a single school ; this has been a subject of complaint, and in some cases, the special laws in relation to the distribution of the money have been changed.

Until recently, the public money apportioned to the city of Albany, was paid exclusively to the Lancaster school : this caused some dissatisfaction, and an application was made to the Legislature, and a law was passed, authorising six school districts in the city, and placing the schools upon a footing similar in most respects to those in the country ; in one material particular, however, the law varies from the general law ; and that is, in not authorising the trustees to rent or build school-houses, and furnish them with necessary fuel and appendages, at the expense of the city. In the report made to the Assembly on this subject, (p. 746, Journals of 1829,) by the Superintendent, it was recommended that the rent of the school-houses should be defrayed by a tax upon the city. This recommendation is renewed at this time, from a belief that such a provision is indispensable to the success of the schools. The city of Troy is taxed for a similar object ; and the poorest districts in the country erect their school-houses by a tax upon property : why then should Albany be exempted from this almost universal mode of furnishing school houses ?

In the village of Utica, all the school money is paid to one school, and is shared by about one out of thirteen of the children between 5 and 16. It appears by a report made to the Utica Lyceum in October last, that there are 27 private schools in that village, which depend for support entirely upon the number of pupils. The number of scholars instructed in all the schools, is 1,201 ; which, deducted from the whole number of children between 5 and 16, as reported by the trustees, leaves 548 who do not attend any school :

these facts would seem to show the necessity for some extension of the school accommodations in that village.*

The Lancaster school in Poughkeepsie draws the money for 1,100 children, and instructs 200 scholars. The public money for the whole town is 743 dollars, of which 480 dollars are received by 200 scholars, leaving 263 dollars to be divided among 331 scholars belonging to ten districts; eight of these districts are reported as having paid \$738.65 for teachers' wages, besides public money; and the Lancaster school has not, as appears from the report, received any aid from individuals.

In the city of New-York, the public money, amounting to \$4,648 dollars, has been distributed among 28 schools, in which 6,321 scholars have been instructed during the year. The paper marked H, is the report of the commissioners of common schools for the city.

By an act passed in 1829, (ch. 265,) it is provided that the corporation of the city of New-York, in addition to the amount heretofore raised for the support of schools in the city, shall annually raise and collect, by tax upon the inhabitants, a sum of money equal to one-eightieth of one per cent of the value of the real and personal property in the city, to be applied exclusively to the purposes of common schools. The avails of this tax have, for the first time, been added to the school money for the past year. The one-eightieth of one per cent on the taxable property of the city, produces 14,071 dollars, and increases the apportionment which is paid annually to the trustees of the public school society, to 29,582 dollars.

The public school society, as will be seen by the statement appended to the paper marked H, has 11 school-houses, which cost

* The committee of the Lyceum give the following facts :

The number of schools in the village is	29
Number of persons employed as teachers and assistants,	46
Number of scholars enrolled,	1201
Do. do. in daily attendance,	1110
Do. do. not residents of the village,	74
Number of males,	633
Do. females,	568

Of these schools, eleven are under the direction of male teachers, and eighteen under the superintendence of females: six of the number may be included under the terms, academy, high schools, or seminaries; all the rest, except two infant schools, may be denominated private schools; one only of the whole number is a public school, in which are enrolled but one hundred and thirty pupils. To the support of this one school is appropriated all the money derived from the state and town treasuries for the support of common schools. From the literary fund of the state, a small appropriation is made to the academy. The other twenty-seven are established by individual enterprise, and depend for support entirely upon the number of pupils which they may happen to obtain.

The amount which is paid for the annual rent of rooms and buildings for the accommodation of all the schools collectively, is \$2,155.

147,686 dollars; and the books and furniture for 21 school rooms are estimated at 15,750 dollars more; making the total value of the school property belonging to the society, 163,436 dollars. There are mortgages upon six of the school-houses, amounting in all to 60,000 dollars. The permanent debt of the society, as stated in the twenty-fifth annual report, is 70,000 dollars.

Previous to 1826, the schools of this society were free schools: in the session of that year, (chap. 25,) the name of the "Free School Society" was changed to that of "Public School Society," and the trustees were authorised to exact such moderate compensation as the parents of the pupils could pay; with a proviso that no child should be denied the benefits of the school on account of its inability to pay. The same law secured to the society its share of the school fund, as well as about 4,000 dollars for lottery licenses, and 1,500 dollars from the excise fund; and the trustees are required to provide, "so far as their means may extend," for the education of all the children in the city not otherwise provided for. The same act contained a provision for the trustees of the society to convey their school edifices to the corporation of the city, taking back from the said corporation a perpetual lease thereof, upon condition that the same shall be exclusively and perpetually applied to the purposes of education.

This arrangement, it was reasonable to suppose, would protect the school-houses against any incumbrances except those resting upon them at the time the law was passed. The society went on under the provisions of the law before referred to, until 1829, when they obtained an act (chap. 4, of 1829) which authorises a majority of the trustees of the society, for the purpose of carrying into effect the objects of the society, "to dispose of, grant and convey, or to mortgage any of the said estate, or any part thereof." There is no value or security to the public, in having the title of the school-houses in the corporation, with this provision, that the trustees of the society may mortgage and sell them. The trustees are not even required to ask the advice or assent of the "mayor and commonalty," who are vested with the title of the school-houses, in trust for the present and future generations. The corporation of the city, it will be seen, hold this property by a very singular tenure.

Why should the trustees of the public school society be authorised to sell or mortgage the common school-houses? In the country, the trustees and taxable inhabitants of the districts, are not authorised to sell their school-houses without an application to the legislature; and instead of erecting them by a mortgage upon the premises, they tax themselves to do it. The school-houses in the cities, ought in the same manner to be built by a tax upon property, and placed beyond the reach of rents or incumbrances, and perpetually set apart for the uses of common schools. If this was the case, and if the public money was applied, as it is in the country towns, exclusively to the payment of teachers' wages, the apportionment for the city would pay the wages of a sufficient number of teachers to instruct all the children who do not, from choice, attend private schools. As it is, the trustees of the society receive more than \$9,000 dollars, from the commissioners of schools, and pay about \$6,000 dollars for teachers' wages, and for books for the scholars. The residue of the school money is applied to the payment of interest on debts contracted for the erection of houses, for fuel, &c. And this system is going on at a time, when it is admitted, that there are 10,000 children in the city who do not attend any school whatever.

The preceding remarks have reference solely to the policy of the present laws. The trustees of the public school society, have, undoubtedly, made the best use of the means placed at their disposal, to give instruction to all the children of the city. The school-houses which have been erected, are spacious and airy, and furnished with globes, maps, books, and good teachers. The culpable indifference of parents, is assigned as one principal reason why there are such a number of children who do not attend any school. And it is stated, in the last report of the trustees, that they have employed a person to visit the parents of children, to explain to them the nature and design of the institution, and to urge those who have been remiss in embracing the offered boon, to avail themselves of the benefit of the public schools. The board has also, at various times, issued addresses "to benevolent citizens generally, inviting their co-operation in inducing the poor and laboring classes to send their children to school."

The trustees have done all which could be expected of them, to persuade parents to send their children to the schools. The extension of the schools to every neighbourhood, and the distribution of the public money, according to the number taught in each, might

afford a partial remedy. This neglect of parents to send their children to school, is not peculiar to this age, or this country, as may be inferred from the coercive measures adopted elsewhere, to remedy the evil. In Prussia, parents are subject to a penalty, if they neglect to send their children to school, after they arrive at a certain age. The laws of the colony of New-Haven, as early as 1665, made it the duty of all parents and masters, to "provide that all their children and apprentices, as they grow capable may, through God's blessing, obtain at least so much [instruction] as to be able to read the scriptures, and other good and profitable books in the English tongue, being their native language. Parents and masters, found to neglect this duty, were, on the first complaint, to be fined ten shillings; on the second complaint, three months after the first, twenty shillings; on the third complaint, they were to be fined still higher, or their children and apprentices were to be taken from them, and put under the care of others; males until 21, and females until 18 years of age."^{*}

It is a peculiar advantage, which belongs to the Sunday schools, as well as the infant schools, that benevolent persons, in great numbers, interest themselves in seeking out and enticing into these schools, hundreds who otherwise might be entirely neglected, and become the victims of ignorance and vice. These incipient steps, give the child a habit for study, and a taste for instruction, which afterwards may induce him, as well as his parents, to seek after, instead of shunning, and neglecting the advantages held out to all, by our school system.

The paper marked G, shows the proportion which the scholars instructed bear to the whole population in the several counties.—The average number of those attending school, compared with the number of inhabitants, is as 1 to 31⁰⁰. Appended to this statement, is a table showing a similar comparison between the children at school, and the whole number of inhabitants, in various countries in Europe. In Prussia, there is 1 child at school for every 7 inhabitants; in Bavaria, 1 to 8; in England, 1 to 15. This comparison exhibits a contrast highly flattering to school education in this state.

The paper marked I, exhibits the gain and loss in the several counties, of the number of children taught, the number between 5

* Letter of Mr. Peers, to the Kentucky Legislature.

and 16, the number of districts, the increase in the amount paid for teachers' wages, over and above the public money ; as well as the number of districts inspected in each county, and showing the total number to be 6,589.

The Superintendent has been informed by a gentleman connected with the proposed university in New-York, that it was in contemplation to establish a department for the special education of teachers ; and that negotiations were going on with a gentleman of great experience in the art of teaching, and who is eminently qualified to take charge of such a department. The consummation of this plan for training teachers, is much to be desired ; and it has decided advantages over a state seminary for that purpose.

A small volume has been recently published, entitled "Lectures on School-Keeping, by Samuel R. Hall." The author has had much experience in teaching, and the lectures contain practical directions to teachers, and advice as to the mode of governing and teaching a school. The distribution of a copy of this work to each district in the state would, in the opinion of the Superintendent, have a most salutary influence upon teachers as well as the schools. The interest on the deposits of the annual revenue of the school fund, from the time it is paid into the treasury until the first of February, would defray the expense of such publication ; and the books might be sent with the Session Laws to the several counties, without any additional charge to the state.

The children taught in the common schools of the state fall only 576 short of half a million. According to an enumeration in 1829, there were four hundred and forty-two private schools in the city of New-York ; there are at least 40 schools in Albany, 27 in Utica, and numerous private schools in the other cities and most of the villages of the state, the scholars of which are not embraced in the returns made to the Superintendent. A complete census of the scholars in the colleges, academies, and the private and common schools, would present a total of at least five hundred and fifty thousand scholars receiving instruction annually in the whole state ; which is equal to 1 person attending school to $3\frac{1}{2}$ of the whole population, as ascertained by the late census.

The immense importance of elevating the standard of education in the common schools, is strongly enforced by the fact, that to every ten persons receiving instruction in the higher schools, there are

at least five hundred dependent upon the common schools for their education. In urging the importance of common schools, it is not designed to depreciate the great utility of those of a higher grade. In the discussions on the subject of popular education, it has in some cases been urged that academies and high schools were injurious to the common schools, by withdrawing from the aid of the latter, the patronage and care of those who are able to send to the former schools. There is nothing in our experience which should induce us to look with disfavor upon the higher schools; and the patriot and the philanthropist, in estimating the means which are to contribute to the perpetuity of our happy form of government, will regard all our schools and seminaries, as parts of the same useful and valuable system, from the university to the infant school. /

A. C. FLAGG,
Superintendent of Common Schools.

(A.)

ABSTRACT

From the returns of Common Schools, of the several Towns and Counties in the State of New-York, for the year 1880.

ALBANY COUNTY.

Counties and Towns from which returns have been received.	Whole No. of school districts in said towns.	No. of districts from which returns have been received.	Average No. months in year.	Amount of public money received in said districts, as stated in said returns, during the year.	Amount paid for teachers wages besides public money.	Number of children taught therein, during the year, as stated in said returns.	Number of children between the ages of 5 and 16 years, residing therein, as stated in said returns.
City of Albany,....	6	6	8	1388 02	.....	1735	5052
Bethlehem,	27	27	9	690 71	2131 91	1255	1885
Berne,	22	22	9	435 06	458 11	1129	1164
Coeymans,	15	15	8	315 20	732 59	772	880
Guilderland,	10	10	9	300 40	565 48	551	843
Knox,	12	12	8	274 92	517 95	606	667
Rensselaerville, ...	21	21	9	428 34	912 14	1021	989
Watervliet,	15	15	9	422 20	.....	714	1069
Westerlo,	23	23	9	414 00	999 49	1107	1069
	151	151	9	4668 85	6367 67	8890	13618

ALLEGANY COUNTY.

Allen,.....	7	7	6	89 78	197 49	347	339
Alfred,	11	11	6	143 51	321 92	622	532
Almond,	15	15	7	170 50	570 20	589	489
Amity,	9	9	5	42 59	97 99	188	231
Andover,	8	6	4	57 00	67 07	169	194
Angelica,	6	6	7	124 72	456 65	236	273
Birdsall,* .....	.....	.....	.....	.....	.....	.....	.....
Burns,	5	5	5	80 00	70 96	231	218
Bolivar,	5	5	5	37 50	65 70	209	137
Caneadea,	6	6	5	68 20	132 94	256	233
Centerville,	7	7	5	94 40	207 09	301	332
Cuba,	9	9	5	84 94	195 04	322	343
Eagle,	7	7	5	71 40	109 04	327	237
Friendship,	12	11	6	139 68	175 97	472	428
Genesee,	1	1	4	9 80	32 00	50	52

*Included in Allen.

ALLEGANY COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16
Grove,	13	10	6	92 12	261 50	459	416
Haight,	7	6	4	46 64	7 70	188	175
Hume,	8	8	6	75 06	132 14	263	278
Independence,	8	5	5	70 52	89 35	220	208
Nunda,	8	6	7	81 20	206 28	357	312
Belfast,	9	9	5	34 61	179 99	220	206
Ossian,	7	6	6	95 52	278 69	291	266
Pike,	14	14	7	189 56	530 93	716	636
Portage,	10	9	9	190 10	625 06	742	578
Rushford,	9	9	6	99 36	.....	346	387
Scio,	3	2	5	69 54	111 47	149	287
	200	189	6	2258 25	5123 17	8270	7787

BROOME COUNTY.

Chenango,	22	16	7	341 46	528 39	890	929
Colesville,	19	16	7	316 50	364 74	811	649
Conklin,	8	6	7	78 09	111 97	210	215
Liste,	33	33	7	521 44	747 44	1630	1354
Sanford,	11	10	5	156 21	127 90	326	274
Union,	14	13	7	206 08	395 49	648	603
Vestal,	5	5	7	114 47	206 84	297	284
Windsor,	13	13	7	333 28	175 21	731	615
	125	112	7	2067 53	2657 98	5543	4923

CATTARAUGUS COUNTY.

Ashford,	6	5	6	51 09	162 47	161	141
Cecilus, * .....	.....	.....	.....	.....	.....	.....	95
Connewango,	12	11	6	143 42	333 35	589	493
Ellicottville,	5	5	7	72 76	171 08	232	190
Farmersville,	11	9	5	117 95	178 03	422	381
Franklinville,	8	5	5	66 00	91 43	156	227
Freedom,	9	9	6	173 52	219 72	408	375
Great-Valley,	7	6	4	70 14	37 95	130	178
Hinsdale,	14	7	6	71 07	90 91	207	167
Little-Valley,	14	7	5	85 74	107 42	232	212
Lyndon,	3	3	5	20 70	86 59	162	124
Machias,	5	3	7	79 43	101 32	182	154
Napoli,	7	7	5	82 21	195 37	376	303
New-Albion,	4	3	4	.....	.....	65	87

*Included in Little Valley.

CATTARAUGUS COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Olean,	3	3	8	74 97	96 56	68	68
Otto,	15	7	5	97 18	136 49	228	234
Perrysburgh,	18	14	7	228 07	308 22	667	681
Randolph,	6	4	6	61 80	122 07	202	207
Yorkshire,	6	6	6	79 44	175 66	285	263
	153	114	6	1575 49	2614 44	4832	4600

CAYUGA COUNTY.

Auburn,	6	6	10	387 96	423 31	506	778
Aurelius,	15	13	9	271 61	828 58	852	867
Brutus,	9	9	8	290 28	425 39	623	592
Cato,	12	12	7	224 18	467 82	680	597
Conquest,	8	11	6	158 04	258 03	492	482
Fleming,	7	6	9	197 23	570 36	544	447
Genoa,	15	15	9	808 47	558 13	949	835
Ira,	12	12	8	269 56	.....	734	691
Ledyard,	14	14	9	572 00	953 85	1016	965
Locke,	20	20	7	391 90	615 45	1279	1075
Mentz,	16	16	7	534 58	1024 02	1180	1311
Owasco,	7	6	9	199 09	366 22	405	427
Scipio,	15	15	9	572 60	845 56	937	816
Sempronius,	32	32	8	813 74	1144 22	2111	1773
Sennet,	13	13	9	471 00	561 16	813	782
Springport,	8	8	9	299 15	713 57	699	525
Sterling,	11	10	7	133 74	246 29	561	447
Venice,	13	13	8	527 95	411 23	768	714
Victory,	11	11	6	224 20	272 77	570	630
	244	242	8	7347 28	10685 96	15719	14774

CHAUTAUQUE COUNTY.

Arkwright,	11	9	..	34 44	87 98	154	276
Busti,	13	13	6	146 90	321 46	615	490
Carroll,	5	5	6	83 28	206 46	266	234
Charlotte,	9	9	5	62 67	138 13	331	265
Chautauque,	16	15	7	176 06	558 22	672	732
Cherry-Creek,	5	4	6	36 10	89 51	165	121
Clymer,	4	4	5	21 48	136 52	188	118
Ellery,	16	12	7	162 24	560 33	606	550
Ellicott,	12	10	7	131 20	382 39	521	453
Ellington,	9	7	6	101 94	246 69	338	306

CHAUTAUQUE COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16
French-Creek,	3	3	5	20 48	36 98	126	137
Gerry,	7	7	6	147 04	224 30	329	291
Hanover,	14	14	7	217 97	640 95	1070	830
Harmony,	12	12	7	114 56	393 69	592	585
Mina,	13	8	5	69 80	163 09	345	328
Pomfret,	19	19	8	343 44	916 57	1271	1106
Portland,	12	10	7	161 04	329 26	592	546
Ripley,	11	10	6	144 04	433 09	598	551
Sheridan,	11	11	7	172 66	615 74	603	550
Stockton,	11	11	7	114 70	218 80	483	449
Villanova,	9	8	7	105 80	182 23	307	248
Westfield,	17	10	7	166 19	570 65	818	661
	239	211	6	2724 03	7453 04	10990	9827

CHENANGO COUNTY.

Bainbridge,	22	22	7	582 43	.....	1166	974
Columbus,	12	12	7	296 34	251 39	614	532
Coventry,	11	10	8	227 57	244 58	500	469
Guilford,	16	16	7	356 61	563 10	962	774
German,	9	9	6	144 59	167 14	441	277
Greene,	19	17	8	449 32	573 44	979	998
Lincklaen,	9	9	7	232 22	259 93	718	460
Macdonough,	10	10	6	304 68	78 37	460	389
New-Berlin,	17	17	8	399 24	692 13	1207	789
Norwich,	28	27	5	414 36	.....	1323	1206
Otselic,	9	9	7	281 47	152 84	479	372
Oxford,	17	17	7	401 56	671 50	972	848
Pharsalia,	8	8	5	226 14	.....	366	307
Pitcher,	9	9	7	185 16	245 66	489	357
Plymouth,	13	13	7	302 50	252 79	691	542
Preston,	11	11	6	242 39	233 52	472	392
Sherburne,	18	17	7	417 33	625 03	945	740
Smithville,	12	12	7	214 42	298 56	605	638
Smyrna,	15	14	7	269 42	393 81	682	578
	265	259	7	5947 75	5703 79	14171	11637

CLINTON COUNTY.

Beekmantown,	11	11	7	187 01	430 62	588	595
Champlain,	11	9	8	225 68	408 47	499	647
Chazy,	16	16	7	296 44	631 11	1018	691

CLINTON COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Ellenburgh,* .....	...	...	...	.....	.....	.....	.....
Mooers,.....	8	8	5	120 63	148 26	343	321
Peru,.....	22	22	8	492 42	1044 10	1145	1346
Plattsburgh,	19	17	8	464 34	1339 34	1152	1341
Saranac,.....	2	2	9	16 27	.....	118	125
	89	85	7	1802 79	4001 90	4863	5291

COLUMBIA-COUNTY.

Ancram,.....	12	12	8	238 86	329 90	440	499
Austerlitz,.....	18	17	9	278 02	533 03	784	691
Canaan,	10	10	8	253 38	547 78	655	599
Chatham,.....	17	16	10	452 64	961 50	968	1031
Claverack,	13	13	11	367 48	1445 76	706	816
Clermont,	8	8	10	141 55	810 98	297	416
Copake,	9	9	10	202 82	382 12	489	521
Gallatin,.....	6	6	10	386 75	416 96	292	520
Germantown,	5	5	9	113 84	272 17	191	308
Ghent,	15	15	10	283 34	1319 33	613	717
Hillsdale,.....	16	16	9	272 19	675 68	874	745
Hudson,	4	4	10	122 34	495 58	190	253
Kinderhook,	10	10	11	300 65	750 95	586	788
New-Lebanon,	15	15	8	325 14	611 45	923	724
Livingston,	8	8	10	249 83	723 25	412	567
Stuyvesant,	7	7	11	233 72	745 19	568	709
Taghkanick,	7	7	10	209 46	265 61	326	512
	178	178	10	4432 01	11287 24	9314	10416

CORTLAND COUNTY.

Cincinnatus,	9	9	8	210 56	307 40	374	392
Cortlandville,	19	18	7	1005 00	768 50	1218	1099
Freetown,	7	7	8	107 80	230 08	375	317
Marathon,	6	6	7	179 15	166 12	380	256
Homer,	20	20	7	505 75	861 65	1169	968
Preble,.....	11	11	7	282 73	162 51	563	463
Scott,	9	9	7	221 76	125 76	511	416
Solon,	17	15	7	319 52	280 54	1055	590
Truxton,	31	30	7	692 56	529 86	1448	1216

*Included in Mooers.

CORTLAND COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 6 and 10.
Virgil,	25	25	7	476 19	494 73	1408	1203
Willet,	6	6	7	71 76	188 10	256	238
	160	156	7	4072 78	4115 25	8757	7153

DELAWARE COUNTY.

Andes,	13	13	6	223 69	230 36	618	567
Bovina,	8	8	6	154 40	108 75	446	449
Colchester,	9	7	8	142 72	225 16	363	404
Davenport,	14	13	7	205 50	250 19	765	589
Delhi,	14	13	7	226 06	478 15	532	596
Franklin,	22	20	7	295 60	702 22	983	846
Hamden,	9	9	7	115 66	303 00	457	381
Hancock,	7	4	5	80 32	47 64	161	136
Harpersfield,	13	13	7	241 62	587 02	660	580
Kortright,	20	19	7	342 22	439 65	960	843
Masonville,	12	12	7	105 24	331 60	450	395
Meredith,	14	14	6	189 12	.....	684	532
Middletown,	15	14	6	261 65	69 01	763	861
Roxbury,	20	17	9	364 12	573 25	1019	921
Sidney,	9	9	7	140 68	348 04	446	433
Stamford,	12	10	8	197 36	526 06	730	635
Tompkins,	16	16	6	227 22	181 52	599	519
Walton,	12	11	8	241 78	406 34	502	414
	239	222	7	3754 96	5809 6	11136	10101

DUTCHESS COUNTY.

Amenia,	12	11	9	268 10	821 11	598	565
Beekman,	8	8	10	177 33	663 29	388	389
Clinton,	9	9	9	255 98	438 08	403	485
Dover,	13	13	9	270 98	682 09	577	603
Fishkill,	28	25	11	861 12	3400 33	1620	2208
La Grange,	11	11	8	272 76	900 48	499	572
Hyde-Park,	9	9	9	298 80	.....	452	684
Milan,	12	11	8	218 86	534 52	593	533
North-East,	11	11	8	197 50	806 45	564	465
Pawlings,	8	8	9	209 22	437 67	394	380
Pine-Plains,	8	7	9	175 84	642 03	374	370
Pleasant-Valley, ...	11	11	9	310 06	677 62	539	641
Poughkeepsie,	10	9	8	734 32	738 65	531	1622
Red-Hook,	13	13	8	340 18	706 64	407	849

DUTCHESS COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 10.
Rhinebeck,	13	12	10	338 40	1351 53	524	820
Stanford,	13	13	9	394 74	910 05	779	656
Union-Vale,	8	8	9	198 14	606 37	615	695
Washington,	12	12	10	345 94	585 55	591	711
	209	201	9	5868 27	14902 46	10448	13248

ERIE COUNTY.

Alden,	7	7	6	147 18	189 34	443	368
Amherst,	8	7	7	161 74	248 68	350	419
Aurora,	14	14	8	213 68	604 67	987	795
Buffalo,	13	7	10	836 12	661 64	762	1510
Boston,	8	8	7	183 05	280 37	445	406
Clarence,	14	14	8	457 50	516 73	1197	1032
Colden,	6	5	7	63 46	118 26	135	124
Concord,	15	12	7	180 66	370 64	664	562
Collins,	19	17	6	301 60	323 39	882	708
Eden,	7	6	6	152 99	159 99	403	404
Erie,	14	14	7	225 06	352 54	679	624
Evans,	10	10	6	142 63	316 69	539	450
Hamburg,	23	22	7	493 83	689 95	1264	1178
Holland,	6	6	6	122 38	218 39	362	313
Sardinia,	12	12	6	176 42	160 46	581	398
Wales,	11	11	7	219 54	283 11	650	531
	187	172	7	3777 84	5494 85	10343	9822

ESSEX COUNTY.

Chesterfield,	10	10	8	143 35	463 37	447	419
Crownpoint,	13	13	6	196 43	313 19	785	668
Essex,	9	9	7	159 68	.....	514	477
Elizabethtown,	7	5	7	127 94	.....	361	308
Jay,	8	8	7	146 98	385 73	607	484
Keene,	6	6	5	87 48	119 05	313	243
Lewis,	13	12	6	137 32	392 17	465	357
Minerva,	5	3	9	19 68	63 94	129	90
Moriah,	10	9	6	154 76	299 83	557	474
Newcomb,	1	1	3	6 54	3 21	22	21
Schroon,	13	13	6	147 24	209 42	447	426
Ticonderoga,	14	14	6	226 78	365 72	706	693
Westport,	16	14	6	163 06	279 94	529	448

ESSEX COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Willsborough,	11	9	6	144 26	322 37	453	421
Wilmington,	5	5	6	78 81	174 23	258	236
	141	131	6	1940 31	3392 17	6593	5765

FRANKLIN COUNTY.

Bangor,	6	6	6	89 93	119 60	357	303
Brandon,	3	3	7	22 50	63 61	77	70
Chateaugay,	15	12	6	171 24	249 87	432	494
Constable,	4	4	7	63 48	90 00	196	189
Dickinson,	4	3	7	43 38	112 00	177	184
Duane,	1	1	4	17 72	20 78	59	76
Fort-Covington,	17	14	6	264 28	412 62	685	748
Malone,	13	12	7	187 82	634 21	690	588
Moir,	5	5	5	67 82	121 04	233	208
Westville,	6	6	6	62 22	58 23	195	227
	74	66	6	990 39	1881 96	3101	3087

GENESEE COUNTY.

Alabama,	11	4	6	95 55	149 06	220	200
Alexander,	13	13	7	233 02	.....	788	704
Attica,	13	12	8	235 35	672 81	892	770
Batavia,	29	17	8	412 07	873 21	1100	1243
Bethany,	14	14	7	293 20	722 41	878	757
Bergen,	9	9	8	165 18	486 09	540	467
Bennington,	18	14	6	179 18	443 92	682	607
Byron,	11	11	8	211 72	674 60	759	596
Castile,	14	14	7	244 43	459 46	764	697
China,	15	15	6	181 77	444 37	835	710
Covington,	18	18	8	319 23	1066 77	967	873
Elba,	14	14	7	216 90	715 37	879	832
Gainesville,	13	12	7	181 95	502 92	742	671
Le Roy,	18	18	9	306 06	1272 27	1249	1144
Middlebury,	14	14	8	256 80	539 26	871	753
Orangeville,	11	11	8	148 82	477 61	567	510
Pembroke,	26	24	6	371 46	823 45	1378	1192
Perry,	13	13	9	294 95	679 96	993	855
Stafford,	13	12	8	457 81	1004 31	912	777
Sheldon,	10	10	7	153 62	328 72	666	561
Warsaw,	14	12	8	365 59	694 70	937	808
Wethersfield,	7	7	8	103 33	227 54	360	348
	318	288	8	5427 99	13269 31	17969	16075

GREENE COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Athens,	6	6	7	252 09	372 69	290	633
Cairo,	16	16	9	358 71	915 76	844	807
Catskill,	14	14	9	505 42	765 84	815	1302
Coxsackie,	10	10	9	374 64	1058 39	716	863
Durham,	19	19	8	402 19	633 12	998	901
Hunter,	14	13	8	272 28	486 48	598	528
Greenville,	13	13	9	297 44	.....	835	792
Lexington,	23	16	9	412 20	383 44	703	712
New-Baltimore, ...	14	14	9	268 20	805 55	690	692
Windham,	20	19	8	311 34	628 85	1071	931
	149	140	9	3454 51	6050 12	7560	8161

HERKIMER COUNTY.

Columbia,	13	13	8	269 72	610 57	656	663
Danube,	9	9	9	224 00	546 40	630	505
Fairfield,	15	15	7	313 66	174 49	709	657
Frankfort,	13	13	9	265 68	545 25	850	820
Germanflatts,	12	12	8	282 36	579 21	703	756
Herkimer,	12	12	9	277 15	704 58	707	729
Litchfield,	10	10	9	210 46	548 19	555	483
Little-Falls,	8	8	10	254 58	557 85	692	704
Manheim,	10	10	9	227 87	273 88	514	632
Newport,	11	9	7	224 06	709 98	605	560
Norway,	9	8	6	144 54	245 61	417	328
Russia,	14	14	7	334 49	449 07	876	739
Salisbury,	12	12	7	220 12	512 58	783	581
Schuyler,	10	10	9	359 24	421 74	655	705
Starks,	8	8	10	194 10	193 11	566	555
Warren,	11	11	8	257 45	431 01	643	600
West-Brunswick, ...	5	5	5	96 86	59 17	206	191
Winfield,	8	8	9	202 54	604 06	669	478
	190	187	8	4358 88	8166 70	11436	10688

JEFFERSON COUNTY.

Adams,	13	13	8	300 39	476 61	1010	914
Antwerp,	9	16	8	295 75	404 24	745	624
Alexandria,	10	19	6	191 92	219 32	424	350
Brownville,	16	16	7	320 92	761 02	998	998
Champion,	13	12	7	250 26	408 50	770	725
Ellisburgh,	31	27	7	587 92	899 75	1947	1734

JEFFERSON COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 10.
Henderson,	14	14	7	257 98	759 74	846	775
Hounsfield,	12	12	9	344 42	1078 87	830	879
La Ray,	17	17	8	317 92	632 72	1011	1085
Lorraine,	12	12	6	174 15	287 18	654	564
Lyme,	17	13	7	317 93	.....	624	700
Orleans,	20	20	7	433 18	630 82	1014	884
Pamelia,	12	12	7	255 10	390 82	790	738
Philadelphia,	8	7	7	102 74	385 76	367	310
Rodman,	13	13	7	212 68	445 08	721	593
Rutland,	15	15	7	261 44	513 93	876	708
Watertown,	18	15	9	426 00	1039 40	1109	1341
Wilna,	14	12	7	140 06	.....	469	464
	274	255	7	5190 76	9333 76	15203	14384

KINGS COUNTY.

Brooklyn,	6	5	12	1335 14	.....	632	3374
Bushwick,	4	3	12	118 50	850 50	169	391
Flatbush,	2	2	12	129 80	.....	70	337
Flatlands,	2	2	12	60 74	480 00	60	136
Gravesend,	2	2	12	49 99	.....	66	122
New-Utrecht,	3	3	12	121 50	979 80	173	284
	19	17	12	1815 67	2310 30	1170	4644

LEWIS COUNTY.

Brantingham,	6	6	6	39 57	20 00	205	216
Denmark,	12	12	7	246 10	454 21	708	686
Diana,	4	4	8	7 43	30 02	13	11
Lowville,	12	12	7	260 70	712 78	714	697
Harrisburgh,	6	6	7	133 35	49 85	182	251
Leyden,	10	10	8	171 51	314 21	489	417
Martinsburgh,	15	15	7	241 26	646 88	815	756
Pinckney,	6	6	7	123 24	146 95	354	266
Turin,	20	20	8	395 46	780 90	928	945
Watson,	8	5	6	69 90	102 81	175	208
West-Turin,* .....	...	...	...	.....	.....	.....	.....
	99	96	7	1688 52	3258 41	4583	4448

* Included in Turin.

LIVINGSTON COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Avon,	13	13	10	282 92	.....	754	768
Caledonia,	10	10	9	180 49	871 04	456	492
Conesus,	10	9	6	166 96	317 59	558	493
Geneseo,	10	10	9	407 31	685 27	780	762
Groveland,	10	9	7	286 90	275 65	484	425
Leicester,	13	13	8	407 59	285 73	802	623
Lima,	9	8	8	218 54	499 07	504	500
Livonia,	14	14	9	297 57	984 90	1009	847
Mount-Morris,	14	14	8	386 27	718 65	879	754
Sparta,	19	19	7	607 98	861 02	1200	1216
Springwater,	15	14	7	203 57	388 02	806	740
York,	15	15	8	402 53	791 55	898	824
	152	148	8	3848 63	6778 49	9130	8449

MADISON COUNTY.

Bronokfield,	27	27	7	728 32	472 64	1618	1307
Cazenovia,	21	20	8	479 20	856 92	1185	1198
De Ruyter,	7	7	7	180 52	252 42	590	524
Eaton,	20	19	7	484 03	484 92	1135	1029
Fenner,	10	11	8	314 16	606 36	772	673
Georgetown,	9	9	7	244 25	76 16	425	365
Hamilton,	16	16	9	432 66	621 63	986	832
Lebanon,	13	13	7	305 76	445 66	899	672
Madison,	18	18	8	430 89	457 36	890	728
Nelson,	14	14	8	408 25	436 30	889	740
Smithfield,	12	12	8	315 86	513 20	922	811
Sullivan,	20	19	7	387 24	1182 96	1162	1186
Lenox,	23	21	9	570 24	1200 37	1500	1454
	210	206	8	5281 38	7606 90	12973	11519

MONROE COUNTY.

Brighton,	13	13	8	538 55	.....	1714	1772
Chili,	14	13	8	224 93	755 99	825	666
Clarkson,	15	15	7	322 56	798 06	1212	993
Gates,	12	12	8	515 95	1039 31	1022	1687
Greece,	11	11	7	190 44	483 94	593	635
Henrietta,	14	14	8	264 06	711 62	782	744
Mendon,	16	16	9	341 84	888 32	1116	990
Ogden,	15	15	9	236 60	700 36	841	694
Parma,	14	14	8	235 14	647 51	986	844

MONROE COUNTY (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 10.
Penfield,	22	20	8	506 84	1491 18	1615	1463
Perrinton,	13	13	8	267 63	933 60	879	741
Pittsford,	9	9	8	216 44	647 34	638	558
Riga,	14	12	7	214 87	676 34	663	524
Rush,	11	11	8	237 38	454 17	678	672
Sweden,	13	13	8	286 49	575 38	1121	851
Wheatland,	9	8	10	212 74	676 73	583	550
	215	209	8	4812 42	11479 85	15268	14381

MONTGOMERY COUNTY.

Amsterdam,	19	18	9	388 62	1115 36	942	1127
Broadalbin,	13	12	8	288 90	425 66	789	741
Canajoharie,	15	15	10	453 34	1154 88	1014	1262
Charlestown,	9	9	8	258 28	410 34	638	616
Ephratah,	9	9	8	217 61	495 68	359	602
Florida,	12	12	7	332 40	634 29	761	804
Glen,	9	9	9	243 38	145 44	575	735
Hope,	7	7	5	86 10	.....	344	335
Johnstown,	32	32	9	915 41	1927 03	1886	2487
Lake-Pleasant,	4	4	4	29 61	20 26	62	80
Mayfield,	15	15	7	299 28	742 56	782	734
Minden,	10	10	9	252 10	433 54	607	830
Northampton,	11	10	7	165 26	392 12	444	364
Oppenheim,	17	17	7	374 25	564 11	855	1109
Palatine,	12	10	10	279 52	749 60	545	798
Root,	11	11	10	347 16	779 04	733	824
Stratford,	5	5	5	54 27	98 35	173	182
Wells,	3	2	5	67 74	.....	102	111
	213	207	8	5053 23	10088 26	11611	13741

NEW-YORK COUNTY.

NIAGARA COUNTY.

Cambria,	8	8	7	155 62	487 37	554	530
Hartland,	12	8	8	175 00	347 95	558	426
Lewiston,	7	7	6	155 09	.....	395	386
Lockport,	15	11	7	436 02	779 33	1208	1226
New-Fane,	12	9	5	113 56	319 12	370	415

NIAGARA COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Niagara,.....	8	8	6	148 84	122 11	317	338
Pendleton,.....	8	6	5	137 20	77 01	141	131
Porter,	6	5	6	171 38	124 63	315	389
Royalton,.....	16	16	7	304 12	.....	1158	940
Somerset,	7	7	7	95 30	269 20	271	249
Wilson,	7	7	6	87 94	197 97	247	220
	106	92	7	1980 07	2724 69	5534	5250

ONEIDA COUNTY.

Annsville,.....	11	11	6	43 62	229 80	407	445
Augusta,	16	16	9	360 16	1027 16	1365	923
Boonville,	19	15	6	256 24	230 10	748	798
Bridgewater,	11	10	8	188 66	.....	577	433
Camden,	12	10	7	197 72	285 81	597	498
Deerfield,	21	20	7	412 14	1135 72	1088	1316
Florence,.....	9	8	6	83 88	163 71	266	288
Floyd,	12	11	7	192 64	421 59	584	520
Kirkland,	16	15	7	335 20	662 88	792	670
Lee,	12	12	7	256 98	440 07	802	798
Marshall,.....	12	10	8	226 09	606 59	797	762
New-Hartford,	15	15	9	371 19	.....	989	961
Paris,	15	15	9	280 00	759 42	940	840
Remsen,	8	7	7	132 37	168 84	401	407
Rome,	19	19	8	424 86	.....	1211	1270
Sangerfield,	11	11	8	380 58	603 41	679	689
Steuben,	16	13	8	207 06	517 98	654	646
Trenton,	16	16	7	276 23	865 99	992	838
Utica,.....	1	1	12	723 56	.....	238	1749
Vernon,	16	16	8	347 28	.....	967	903
Verona,	23	18	7	351 00	400 81	1146	1052
Vienna,	12	12	7	183 16	304 29	561	546
Western,	16	16	8	270 96	538 63	902	766
Westmoreland,	14	14	9	404 32	830 63	1184	983
Whitestown,	10	10	9	371 34	802 62	844	1144
	343	321	8	7277 29	11000 55	19731	20265

ONONDAGA COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Camillus,	13	13	8	251 46	588 37	1053	1044
Cicero,	9	9	7	202 25	319 64	542	455
Clay,	12	10	7	350 89	228 16	578	578
Elbridge,	15	13	8	366 65	760 21	1265	988
Fabius,	18	17	8	425 04	376 78	1125	966
Lysander,	15	15	7	418 91	471 51	968	948
Manlius,	29	29	9	1839 70	750 09	2184	2206
Marcellus,	11	10	9	597 24	474 52	800	789
Onondaga,	33	29	8	761 31	.....	1563	1650
Otisco,	10	10	8	381 92	345 59	703	584
Pompey,	26	26	8	956 25	930 65	1570	1388
Skaneateles,	35	32	9	1518 88	599 02	1200	1985
Spafford,	15	15	8	254 08	293 71	574	567
Salina,	15	10	8	579 14	844 92	779	1437
Tully,	9	9	8	275 72	201 01	574	493
La Fayette,	12	12	9	544 04	392 26	802	794
Van Buren,	17	17	8	294 06	590 99	1084	959
	294	276	8	10017 54	8117 43	17364	17831

ONTARIO COUNTY.

Bloomfield,	23	21	8	628 29	1036 19	1312	1118
Bristol,	22	19	7	334 46	640 25	1080	925
Canadice,	11	10	6	200 99	165 64	508	414
Canandaigua,	22	21	8	528 98	1253 22	1610	1522
Farmington,	13	12	8	220 56	607 73	685	580
Gorham,	17	17	9	367 86	937 57	1087	929
Hopewell,	10	10	9	265 64	864 88	790	752
Manchester,	14	13	8	327 56	653 33	973	857
Naples,	11	11	6	169 33	450 98	583	643
Phelps,	22	22	9	583 50	1959 42	1605	1498
Richmond,	27	20	7	471 75	772 05	1152	960
Seneca,	20	20	9	720 22	1779 26	1534	1937
Victor,	13	13	8	400 10	547 43	935	681
	225	209	8	5219 29	11717 95	13854	12816

ORANGE COUNTY.

Blooming-Grove, ..	12	12	11	279 40	955 14	566	605
Calhoun,	6	6	11	180 28	629 14	525	447
Cornwall,	9	9	11	374 15	1082 65	543	788
Crawford,	12	11	12	249 68	1017 52	657	661
Deerpark,	6	6	7	119 16	285 21	320	296

ORANGE COUNTY (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Goshen,	16	15	10	373 90	2338 98	975	947
Minisink,	30	25	10	582 76	2491 81	1661	1592
Montgomery,	15	15	9	459 28	1392 59	1039	1174
Monroe,	14	14	8	394 80	1025 17	691	1112
Newburgh,	13	12	10	364 54	.....	925	1734
New-Windsor,	11	12	7	281 16	534 41	457	695
Walkill,	20	20	10	535 48	1004 36	1319	1391
Warwick,	28	22	11	573 48	1037 86	1255	1380
Hamptonburgh, * ..	.....	.....	.....	.....	.....	.....	.....
	192	179	9	4768 05	13794 84	10943	12762

ORLEANS COUNTY.

Barre,	27	25	8	680 89	1248 33	1536	1392
Carlton,	11	9	5	87 28	263 24	368	350
Clarendon,	14	13	7	235 28	411 70	783	668
Gaines,	10	10	8	197 84	680 16	647	546
Murray,	17	17	8	270 91	820 09	1029	860
Ridgeway,	12	11	9	242 29	611 50	795	609
Shelby,	12	12	9	199 91	698 24	783	714
Yates,	10	9	6	131 72	286 62	402	356
	113	106	8	2046 12	5019 88	6341	5495

OSWEGO COUNTY.

Albion,	5	4	6	45 90	88 41	141	151
Amboy, † .....	.....	.....	.....	.....	.....	.....	.....
Boylston,	3	3	6	41 68	86 47	193	147
Constantia,	11	5	6	60 06	30 58	209	181
Granby,	13	12	7	224 02	253 09	523	419
Hannibal,	12	10	7	290 25	235 66	626	587
Hastings,	10	8	7	107 64	265 62	411	432
Mexico,	18	14	7	231 34	554 61	938	816
New-Haven,	9	9	7	150 70	229 19	559	509
Orwell,	5	4	6	49 99	102 52	159	136
Oswego,	11	8	6	144 24	456 88	478	579
Parish,	7	6	7	66 60	115 23	246	250
Redfield,	3	3	4	36 50	41 20	110	94
Richland,	17	16	7	246 10	829 15	982	866

*Included in Goshen, Blooming-Grove and Montgomery.

†Included in Williamstown.

OSWEGO COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16
Sandy-Creek,	11	11	7	199 82	420 78	960	778
Seriba,	18	10	6	132 52	373 02	584	554
Volney,	27	25	6	293 48	654 47	1259	1168
Williamstown,	12	12	6	121 98	245 00	375	397
	190	162	6	2442 76	4981 88	8753	8064

OTSEGO COUNTY.

Burlington,	14	15	8	282 22	412 25	1023	806
Butternuts,	26	26	8	466 00	859 34	1338	1249
Cherry-Valley,	23	23	7	479 32	964 63	1475	1355
Decatur,	7	7	8	131 28	132 08	330	361
Edmeston,	15	15	7	481 94	348 74	708	594
Exeter,	10	9	7	196 47	358 13	534	460
Hartwick,	16	16	7	324 76	724 71	901	839
Otego,	9	7	7	127 54	268 05	331	290
Laurens,	16	15	7	265 74	500 31	796	690
Maryland,	13	13	7	216 79	411 94	692	609
Middlefield,	21	20	8	350 38	490 72	969	967
Milford,	17	17	8	351 64	631 11	976	960
New-Lisbon,	13	13	7	257 96	437 19	823	680
Oneonta,	11	11	8	189 88	279 32	613	545
Otsego,	19	19	8	484 66	847 09	1449	1246
Pittsfield,	8	9	6	112 36	96 14	304	277
Plainfield,	10	10	8	202 42	386 76	621	505
Richfield,	11	11	8	234 56	489 04	663	532
Springfield,	14	14	9	318 21	707 39	961	851
Unadilla,	16	16	8	235 70	641 37	746	691
Westford,	8	8	8	188 77	278 41	545	516
Worcester,	16	14	7	273 44	296 08	776	685
	313	308	8	6172 04	10560 75	17573	15818

PUTNAM COUNTY.

Carmel,	13	12	8	271 20	453 12	562	691
Kent,	11	11	7	221 92	353 54	462	588
Patterson,	11	11	9	194 50	391 72	498	462
Philipstown,	21	20	7	546 62	964 70	923	1507
Southeast,	13	12	9	233 86	999 60	602	573
	69	66	8	1468 10	3162 68	3047	3821

QUEENS COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Flushing,	8	7	10	292 91	828 42	321	705
Hempstead,	18	18	10	669 10	.....	1160	1822
Jamaica,	8	8	10	303 15	531 00	343	706
Newtown,	8	8	11	313 12	.....	284	455
North-Hempstead, ..	10	9	10	357 17	110 85	337	775
Oyster Bay,	23	18	11	632 44	1751 52	1041	1554
	75	68	10	2567 89	3221 79	3486	6017

RENSSELAER COUNTY.

Berlin,	9	9	7	244 85	288 24	616	556
Brunswick,	14	14	9	305 07	922 78	703	801
Greenbush,	11	11	9	358 67	672 51	703	1004
Grafton,	9	8	6	196 13	131 87	552	503
Hoosick,	20	19	7	437 36	798 62	1650	1452
Lansingburgh,	4	4	10	298 28	354 63	341	705
Nassau,	15	15	9	361 31	540 98	1051	933
Petersburgh,	16	16	5	258 51	318 21	732	579
Pittstown,	17	17	9	441 17	1113 18	1327	1096
Sand-Lake,	20	20	7	421 35	802 40	1202	1142
Schaghtieoke,	14	13	9	359 98	991 90	699	907
Schodack,	19	16	10	431 61	1151 41	860	991
Stephentown,	17	17	8	332 79	465 47	958	984
Troy,	4	4	9	967 50	967 50	860	2522
	189	182	8	5414 58	9519 70	12254	14156

RICHMOND COUNTY.

Castletown,	6	6	12	204 45	.....	502	745
Northfield,	6	6	11	226 94	1214 37	323	675
Westfield,	4	4	11	186 78	689 17	121	501
Southfield,	2	2	12	36 96	.....	110	101
	18	18	12	655 13	1912 54	1056	2020

ROCKLAND COUNTY.

Clarkstown,	9	8	11	255 49	503 51	461	551
Haverstraw,	7	5	9	249 46	82 78	265	585
Ramapo,	10	10	10	292 92	754 16	593	712
Orangetown,	9	9	12	189 15	1188 93	336	491
	35	32	11	987 02	2529 86	1655	2349

SARATOGA COUNTY.

Town and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16
Ballston,	13	13	9	229 14	738 80	747	605
Charlton,	9	9	9	236 56	.....	569	566
Clifton Park,	14	14	9	296 56	688 47	852	786
Corinth,	10	9	7	165 92	218 49	470	406
Concord,	5	4	6	97 74	74 04	264	221
Edinburgh,	12	12	6	235 26	257 18	540	482
Galway,	17	16	7	309 94	851 69	767	772
Greenfield,	22	22	8	408 02	.....	987	936
Hadley,	6	5	6	116 68	142 41	268	250
Halfmoon,	9	9	8	227 04	531 36	565	629
Malta,	8	8	8	187 80	482 29	526	459
Milton,	13	13	9	344 25	1049 13	831	840
Moreau,	9	9	8	199 56	409 25	542	528
Northumberland, ..	10	8	8	128 92	486 07	421	419
Providence,	10	10	7	197 26	135 77	517	505
Saratoga,	11	11	8	248 84	752 74	652	610
Saratoga Springs, ..	9	9	7	254 12	470 68	650	598
Stillwater,	13	13	8	315 74	508 82	682	719
Waterford,	2	2	11	164 08	480 00	241	377
Wilton,	5	5	9	172 25	255 29	460	486
	207	201	7	4535 68	8532 57	11551	11194

SCHENECTADY COUNTY.

Duanesburgh,	19	19	8	418 70	797 42	1235	1127
Glenville,	11	11	9	293 60	420 05	756	853
Niskayuna,	4	4	10	62 60	209 81	235	132
Princeton,	6	6	9	146 36	269 50	286	301
Rotterdam,	10	10	7	185 96	188 81	280	478
Schenectady City, ..	3	3	8	88 51	102 92	139	253
	53	53	9	1195 73	1988 51	2931	3144
Lancaster School, ..	1	1	12	411 49	.....	360	.....
	54	54	9	1607 22	.....	3291	.....

SCHOHARIE COUNTY.

Blenheim,	11	11	7	231 32	460 36	614	639
Broome,	22	18	9	240 66	798 41	1336	1080
Carlisle,	10	10	9	204 51	354 20	453	584
Cobleskill,	13	13	9	340 41	719 04	974	896
Fulton,	11	11	7	218 35	235 23	417	502

SCHOHARIE COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Jefferson,	13	13	7	206 00	.....	625	533
Middleburgh,	14	13	8	338 70	356 89	614	839
Schoharie,	22	22	8	553 81	1303 10	1161	1492
Sharon,	23	20	10	518 80	851 36	1151	1360
Summit,	12	12	7	196 98	221 82	874	552
	151	143	8	3049 44	5300 41	8219	8477

SENECA COUNTY.

Covert,	13	12	11	525 98	487 71	674	588
Fayette,	14	14	9	589 58	787 21	981	1090
Junius,	9	8	9	257 04	209 41	552	529
Lodi,	8	8	8	613 59	433 07	621	587
Ovid,	12	12	10	729 49	925 32	820	861
Romulus,	21	21	8	792 08	714 82	1366	1368
Seneca-Falls,	10	10	7	235 80	352 82	632	753
Tyre,	8	8	7	261 18	.....	722	516
Varick, * .....	.....	.....	.....	.....	.....	.....	.....
Waterloo,	9	6	10	283 05	545 52	335	474
	103	99	8	4287 79	4455 88	6703	6766

ST. LAWRENCE COUNTY.

Brasher,	6	4	5	74 40	59 79	152	207
Canton,	15	15	7	410 55	571 39	360	749
De Kalb,	9	8	7	147 52	258 85	365	355
Depau, † .....	.....	.....	.....	.....	.....	.....	.....
De Peyster,	7	7	6	145 69	117 44	357	237
Edwards,	9	7	6	110 22	158 40	228	257
Fowler,	11	11	7	133 28	331 12	519	417
Gouverneur,	11	9	8	308 49	437 32	550	475
Hammond,	6	5	5	98 00	79 15	234	197
Hopkinton,	7	7	7	134 37	160 12	351	250
Lawrence,	8	6	6	.....	133 50	227	202
Lisbon,	12	10	6	182 36	172 09	475	491
Louisville,	8	8	6	168 14	96 52	269	311
Madrid,	23	23	6	389 47	865 12	952	1036
Massena,	11	10	8	210 46	545 11	570	642
Morristown,	11	10	7	211 58	270 82	388	400
Norfolk,	7	6	8	155 88	317 35	436	357

* Included in Romulus.

† Included in Edwards and De Kalb.

ST. LAWRENCE COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned	Average No. months.	Public money.	Amount paid teachers	No. children taught.	No. between 5 and 16
Oswegatchie,	15	15	6	581 46	428 53	1080	1087
Parishville,	12	12	7	118 75	280 75	594	446
Pierrepont,	7	7	7	109 54	149 16	275	247
Potsdam,	26	26	7	622 26	550 70	1303	1135
Rossie,	6	4	6	64 40	153 47	163	166
Russell,	10	10	6	65 22	176 71	260	211
Stockholm,	18	15	6	277 16	267 72	627	483
	255	235	6	4719 15	6581 18	11205	10368

STEUBEN COUNTY.

Addison,	8	6	4	100 96	76 61	215	189
Bath,	18	18	6	299 66	871 65	1010	953
Cameron,	7	7	5	67 83	344 00	350	279
Canisteo,	11	7	5	21 71	168 59	213	175
Cohocton,	18	17	7	262 73	499 94	957	806
Dansville,	10	10	7	276 36	127 12	600	593
Erwin,	4	3	5	85 70	44 84	159	195
Greenwood,	10	6	6	62 07	164 38	252	199
Hornby,	12	11	5	207 75	324 69	570	474
Hornellsville,	11	9	6	71 77	186 47	375	337
Howard,	14	14	6	316 05	262 08	817	756
Jasper,	6	5	6	24 20	114 97	234	194
Jersey,	14	14	7	220 24	401 68	702	759
Painted Post,	5	4	8	103 18	229 05	339	262
Prattsburgh,	15	15	7	230 75	335 33	692	714
Pultney,	9	9	7	185 72	110 66	652	522
Reading,	9	8	7	159 48	224 78	581	517
Troupsburgh,	9	7	6	31 84	153 01	242	219
Tyrone,	11	11	7	204 52	.....	668	681
Urbana,	11	9	7	119 52	299 28	407	395
Wayne,	6	6	7	107 04	195 38	446	383
Wheeler,	10	9	7	154 50	248 59	399	412
Woodhull,	4	4	4	56 61	73 95	166	149
	232	209	6	3370 19	5457 00	11046	10593

SUFFOLK COUNTY.

Brookhaven,	32	31	9	663 98	1673 86	1748	1791
East-Hampton,	7	7	9	191 54	369 84	353	381
Huntington,	24	22	9	558 22	1721 88	1406	1593
Islip,	6	6	10	166 30	590 46	399	440

SUFFOLK COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Riverhead,.....	12	12	9	223 58	681 18	557	578
Shelter-Island,.....	1	1	7	42 42	55 45	100	100
Smithtown,.....	12	10	9	206 47	837 75	461	438
Southampton,	19	19	8	561 50	935 70	968	1117
Southold,.....	13	13	9	302 72	782 71	925	778
	126	121	9	2916 88	7658 83	6917	7216

SULLIVAN COUNTY.

Bethel,.....	7	7	7	174 60	66 26	334	335
Cochecton,	7	5	4	74 68	76 00	131	147
Fallsburgh,	10	10	6	147 14	295 01	383	404
Liberty,.....	7	7	6	180 00	209 83	377	309
Lumberland,	7	6	6	137 74	2 20	174	201
Mamakating,	16	11	8	367 28	694 58	708	880
Nevisink,.....	10	10	5	169 24	184 54	392	425
Rockland,.....	9	9	5	107 27	113 06	208	184
Thompson,.....	13	13	7	403 59	420 18	629	690
	86	78	6	1761 54	2061 66	3336	3575

TIOGA COUNTY.

Barton,	7	7	6	72 38	.....	233	255
Berkshire,	11	10	7	173 70	587 67	600	499
Bigflatts,	5	5	7	102 20	200 63	240	283
Catlin,	16	9	7	156 70	183 09	440	417
Cayuta,	5	5	6	70 34	79 01	168	208
Candor,	19	17	6	250 04	632 92	938	805
Catharines,	10	10	7	171 18	276 95	584	606
Chemung,	12	10	6	142 28	421 48	432	402
Elmira,.....	11	11	6	236 92	6 50	602	731
Erin,	9	6	5	79 58	103 44	185	213
Newark,.....	6	6	8	98 83	318 82	293	276
Nichols,	7	7	6	117 47	316 43	389	395
Owego,	19	15	6	279 57	602 72	806	837
Southport,.....	7	7	8	137 82	361 44	410	441
Spencer,	9	8	7	122 16	259 20	410	378
Tioga,	7	6	8	121 30	.....	433	425
Veteran,	11	11	7	155 64	308 36	500	461
	171	150	7	2488 11	4658 66	7663	7632

[A. No. 15.]

TOMPKINS COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Caroline,	13	11	7	262 56	433 13	962	713
Danby,	14	14	8	293 08	602 80	863	814
Dryden,	28	26	8	797 70	409 90	1734	1680
Enfield,	13	13	9	500 16	215 84	826	787
Ithaca,	14	13	8	966 63	496 92	1139	1361
Ulysses,	12	12	8	643 10	597 86	1090	1094
Groton,	19	19	8	447 80	720 06	1374	1146
Hector,	32	32	8	1352 80	999 13	1976	1737
Lansing,	22	22	8	1096 73	544 07	1573	1262
Newfield,	21	16	6	295 95	454 23	880	867
	188	178	8	6656 51	5473 94	12417	11461

ULSTER COUNTY.

Esopus,	7	7	8	181 22	408 40	409	527
Hurley,	6	6	9	162 87	.....	237	378
Kingston,	10	8	9	340 42	369 46	523	876
Marbletown,	12	12	8	370 68	564 94	597	928
Marlborough,	13	13	8	307 70	740 74	691	730
New-Paltz,	20	19	10	529 76	1477 97	1079	1508
Olive,	7	7	7	200 45	125 14	364	506
Plattekill,	9	9	10	242 81	608 74	556	564
Rochester,	10	10	8	267 89	457 94	487	751
Saugerties,	12	12	11	349 67	451 52	785	990
Shandaken,	8	7	4	180 17	44 95	230	286
Shawangunk,	13	13	10	223 30	1100 80	805	1038
Warwarsing,	14	14	7	299 52	428 79	447	795
Woodstock,	7	6	8	166 52	220 09	294	436
	148	143	8	3822 98	6949 48	7509	10305

WARREN COUNTY.

Athol,	10	10	5	99 98	153 31	278	309
Bolton,	14	11	6	148 17	226 98	472	426
Caldwell,	6	6	6	111 76	215 28	367	265
Chester,	12	12	5	151 36	247 59	479	353
Hague,	6	6	5	74 76	86 49	229	208
Johnsburgh,	8	8	5	115 30	92 99	297	297
Luzerne,	11	9	5	164 50	149 87	427	402
Queensbury,	16	16	8	340 50	710 44	966	780
Warrensburgh,	8	8	5	172 21	289 82	409	386
	91	86	6	1378 54	2172 77	3854	3426

WASHINGTON COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 a. d 16
Argyle,	19	19	8	407 75	480 63	1017	954
Cambridge,	12	12	8	267 62	775 29	702	614
Easton,	22	19	8	397 26	735 96	960	901
Dresden,	8	7	4	65 82	66 12	162	129
Fort-Ann,	22	19	7	373 66	641 75	1030	864
Fort-Edward,	8	8	7	203 16	218 88	520	502
Granville,	22	22	9	438 36	633 04	1383	1079
Greenwich,	14	14	9	387 76	695 96	1208	1038
Hampton,	8	8	8	116 30	280 00	394	340
Hartford,	17	17	7	314 18	542 10	849	759
Hebron,	22	22	9	384 68	635 35	925	814
Jackson,	11	10	9	234 58	587 86	551	478
Kingsbury,	13	13	9	291 88	549 37	820	736
Putnam,	7	7	6	95 04	132 49	313	246
White-Creek,	12	12	8	286 56	713 96	684	588
Whitehall,	16	15	7	314 26	466 64	879	800
Salem,	20	20	7	377 64	798 63	960	891
	253	244	8	4906 51	8954 06	13356	11728

WAYNE COUNTY.

Arcadia,	21	21	8	428 29	.....	1424	1043
Butler,	10	10	6	135 30	414 57	512	506
Galen,	20	19	7	471 20	791 58	1260	1194
Lyons,	12	12	10	397 82	1016 81	1441	1704
Macedon,	14	14	8	233 78	692 87	734	656
Marion,	11	10	7	202 56	.....	954	851
Ontario,	11	9	8	336 33	419 51	643	457
Palmyra,	16	16	7	321 68	715 77	1085	896
Port-Bay,	9	7	6	82 90	240 63	450	489
Rose,	7	7	7	150 24	161 81	505	543
Savannah,	5	5	6	130 00	119 31	214	279
Sodus,	19	19	7	307 28	506 55	1133	1179
Williamson,	6	7	8	185 15	485 16	423	564
Wolcott,	6	6	7	109 63	269 01	409	387
Walworth,	11	7	7	336 33	545 93	783	683
	178	169	7	3828 49	6379 51	11970	11431

WESTCHESTER COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Bedford,	13	13	9	310 28	663 19	591	784
Cortland,	11	11	8	418 33	523 16	647	964
Eastchester,	4	4	10	109 18	381 20	182	264
Greenburgh,	10	10	6	288 19	486 35	406	453
Harrison,	5	5	10	128 00	.....	156	261
Mamaroneck,	4	4	6	137 60	210 00	153	255
Mount-Pleasant, ...	12	12	10	460 18	.....	665	1019
New-Rochelle,	2	2	11	146 52	.....	161	326
New-Castle,	7	7	9	208 50	217 55	256	310
North-Castle,	9	9	7	194 14	393 06	302	421
North-Salem,	8	8	8	157 97	314 00	373	348
Pelham,	4	4	3	.....	.....	25	56
Poundridge,	8	8	8	177 86	251 66	471	413
Rye,	5	5	11	175 01	531 16	275	425
Scarsdale,	1	1	9	19 19	69 62	36	73
Somers,	10	10	8	258 81	.....	465	615
South-Salem,	8	8	9	186 02	370 36	357	345
Westchester,	4	4	12	267 90	1246 87	428	635
White-Plains,	4	4	10	78 84	.....	102	182
Yonkers,	5	5	10	201 21	841 78	287	441
Yorktown,	7	7	9	252 95	.....	395	502
	141	141	9	4176 68	6499 96	6730	9092

YATES COUNTY.

Barrington,	13	11	7	259 13	253 31	652	631
Benton,	16	16	8	458 98	957 20	1093	1206
Italy,	8	6	7	134 94	124 13	473	328
Jerusalem,	14	14	6	379 00	442 93	825	828
Middlesex,	20	20	7	388 65	583 75	1196	1147
Milo,	19	19	8	403 76	860 19	929	1084
Starkey,	12	11	8	263 35	540 39	699	669
	102	97	7	2287 81	3761 90	5867	5893

There are in the state fifty-five organized counties, five cities containing twenty-nine wards, and seven hundred and fifty-six towns. Total towns and wards, 785.

(B.)
Summary of the preceding Abstract, made from the returns of Common Schools, in the year
1830.

<i>Counties.</i>	Number of towns and wards in each coun- ty.	Whole No. of school districts in the towns which have made re- turns.	Whole No. of school districts which have made reports.	Average No. of months in which schools have been taught in the counties.	Amount of public mo- ney received in the districts, (as stated in the returns,) dur- ing the year.	Amount paid for teach- ers' wages, besides public money.	No. of children taught in those school dis- tricts which have made reports.	No. of children be- tween the ages of 5 and 16 years, resid- ing therein, as stated in said returns.
Albany,.....	13	151	151	9	\$3280 83	\$6367 67	8890	13618
Alegany,.....	26	200	189	6	2258 25	5123 17	8270	7787
Broome,.....	8	125	112	7	2067 53	2657 98	5543	5923
Cattaraugus,.....	19	153	114	6	1575 49	2614 44	4832	4800
Cayuga,.....	19	244	242	8	7347 28	10685 96	15719	14774
Chautauque,.....	22	239	211	6	2724 03	7453 04	10990	9827
Chenango,.....	19	265	259	7	5947 75	5703 79	14171	11657
Clinton,.....	8	89	85	7	1802 79	4001 90	4863	5291
Columbia,.....	17	178	178	10	4432 01	11287 24	9314	10416
Cortland,.....	11	160	156	7	4072 78	4115 25	8757	7153
Delaware,.....	18	239	222	7	3754 96	5809 06	11136	10101
Dutchess,.....	16	309	201	9	5368 27	14902 46	10448	13248
Erie,.....	16	187	173	7	3777 84	5494 85	10343	9822
Essex,.....	15	141	131	6	1940 31	3392 17	6593	5765
Franklin,.....	10	74	66	6	990 39	1881 96	3101	3087
Genesee,.....	22	318	288	8	5427 99	15269 31	17969	16075

Counties.	No. towns and villages.	No. districts returned.	No. districts reported.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 4 and 18.
Greene,	10	149	140	9	\$3,454 51	\$6050 12	7690	8161
Herkimer,	16	180	187	8	4558 88	8166 70	11436	10688
Jefferson,	16	274	255	7	5190 76	9833 76	15203	14884
Kings,	6	19	17	12	1815 67	2310 30	1176	4844
Lewis,	11	99	96	7	1688 52	3258 41	4588	4448
Livingston,	12	152	148	8	3948 63	6878 49	9180	8449
Madison,	13	210	206	8	5281 38	7606 90	12973	11519
Monroe,	16	215	209	8	4812 42	11479 85	15288	14381
Montgomery,	18	213	207	8	5053 23	10088 26	11611	13741
New-York,	14	22	22	12	39069 46	1923 78	6321	.....
Niagara,	11	106	92	7	1980 07	2724 69	5584	5950
Oneida,	25	343	321	8	7277 29	11000 55	19731	20265
Onondaga,	17	294	276	8	10017 54	8117 43	17364	17831
Ontario,	13	225	209	8	5219 29	11717 95	18854	12816
Orange,	14	192	179	9	4768 05	13794 84	10943	12762
Orleans,	8	113	106	8	2046 12	5019 88	6341	5495
Oswego,	18	190	162	6	2442 76	4981 88	8753	8084
Otsego,	22	313	308	8	6172 04	10560 75	17573	15818
Putnam,	5	69	66	8	1468 10	3162 68	3047	3821
Queens,	6	75	68	10	2567 89	3221 79	3486	6017
Rensselaer,	19	189	182	8	5414 58	9519 70	12254	14155

	4	18	18	12	\$655 13	\$1912 54	1056	2020
Richmond,	4	18	18	12	\$655 13	\$1912 54	1056	2020
Rockland,	4	35	32	11	987 03	2529 38	1655	2349
Saratoga,	20	207	201	7	4535 68	8532 57	11551	11194
Schenectady,	7	54	54	9	1607 22	1988 51	3291	3144
Schoharie,	10	151	143	8	3049 44	5300 41	8219	8477
Seneca,	10	103	99	8	4287 79	4455 88	6703	6766
St. Lawrence,	24	255	235	6	4719 15	6581 18	11205	10368
Steuben,	23	132	209	6	3370 19	5457 00	11046	10593
Suffolk,	9	126	121	9	2916 88	7658 83	6917	7216
Sullivan,	9	86	78	6	1761 54	2061 66	3386	3575
Tioga,	17	171	150	7	2488 11	4658 66	7663	7632
Tompkins,	10	188	178	8	6656 51	5473 94	12417	11461
Ulster,	14	148	143	8	3822 98	6949 48	7509	10305
Warren,	9	91	86	6	1378 54	2172 77	3854	3426
Washington,	17	253	244	8	4906 51	8954 06	13356	11728
Wayne,	15	178	169	7	3828 49	6379 51	11970	11431
Westchester,	21	141	141	9	4176 68	6499 96	6730	9092
Yates,	7	102	97	7	2287 81	3761 90	5867	5893
	785	9063	8631	8	\$238641 36	\$346807 20	499424	497503

(C.)

A comparative view of the Returns of Common Schools, from 1816, to 1831, inclusive.

The year in which the report was made to the legislature.	Number of towns from which the returns were made.	Whole No. of school districts in the said town.	Number of school districts from which returns were received.	Amount of public money received in the said towns.	Amount paid for teachers' wages in the said districts, over and above public money.	Number of children taught in the school districts making returns.	No. of children between 5 and 15 years of age residing in those districts.	Proportion of the No. of children taught to the No. of children between the ages of 5 and 15 years.
1816	338	2755	2631	\$55720 98	.....	140106	176449	4 to 15
1817	355	3713	2873	64834 88	.....	170386	198440	6 to 7
1818	374	3264	3228	73235 42	.....	133253	218969	5 to 6
1819	402	4614	3844	93010 54	.....	210316	235871	8 to 9
1820	515	5763	5118	117151 07	.....	271877	302703	9 to 10
1821	545	6332	5489	146418 08	.....	304559	317633	24 to 25
1822	611	6659	5832	157195 04	.....	332979	339258	42 to 43
1823	649	7051	6255	173420 60	.....	351173	357029	44 to 45
1824	656	7382	6705	182820 25	.....	377034	373208	94 to 93
1825	698	7642	6876	182741 61	.....	402940	383500	101 to 96
1826	700	7773	7117	182780 09	.....	425586	395586	100 to 93
1827	721	8114	7550	185720 46	.....	431601	411256	21 to 20
1828	742	8298	7806	222295 77	.....	441856	419216	96 to 91
1829	757	8609	8164	232343 21	.....	468205	449113	25 to 24
1830	773	8872	8292	214840 14	\$297048 44	480041	468257	41 to 40
1831	785	9063	8631	238641 36	346807 20	499424	497503	250 to 249

(D.)

Common School Fund.*This fund consists of the following items :*

	Capital.	Estimated revenue for 1881.
Bonds and mortgages for lands sold,.	\$242,613 52	\$18,000 00
Bonds for loan from the capital to cer- tain counties,	16,800 00	1,500 00
Balance due on loan of 1786,.....	10,157 22	700 00
" " " 1792,.....	300,073 54	18,000 00
" " " 1808,.....	393,461 53	24,000 00
5 per cent. canal stock,.....	407,000 00	20,350 00
3600 shares in the Merchants' Bank of the city of New-York,....	180,000 00	11,500 00
1000 shares Manhattan Bank,.....	50,000 00	3,500 00
Money in the treasury, being balance of receipts from the capital,...	94,637 85	4,000 00
	\$1,696,743 66	\$101,350 00

Revenue received in 1880,.....\$100,678 60

(E.)

Local School Fund.

There are many towns in the state in which the schools derive an essential benefit from a local fund. This fund arises from the avails of land which was reserved in certain grants for gospel and school purposes. The following is a list of the principal reservations of this nature, viz :

One lot of 550 acres in each of the 28 townships in the military tract.

Forty lots of 250 acres each in the twenty townships west of the Unadilla river, being 10,000 acres.

One lot of 640 acres in each of the townships of Fayette, Clinton, Greene, Warren, Chenango, Sidney and Camden, in the counties of Broome and Chenango.

Ten lots of 640 acres each, in the townships along the St. Lawrence.

Sixteen lots of 640 acres each, in Totten & Crossfield's purchase.

The local school fund, which has become productive, is stated, in the reports of the commissioners of the several towns, as follows :

BROOME COUNTY.

Colesville,	\$98 75	Windsor,	91 07
Sanford,	71 00		
			<hr/>
			\$260 82

CAYUGA COUNTY.

Auburn,	19 20	Mentz,	105 00
Brutus,	94 58	Owasco,	35 00
Cato,	50 15	Scipio,	238 30
Conquest,	25 75	Sempronius,	149 20
Fleming,	10 77	Sennet,	159 70
Genoa,	440 37	Springport,	26 90
Ira,	47 56	Venice,	214 65
Ledyard,	289 92	Victory,	30 82
Locke,	30 00		
			<hr/>
			\$1967 87

CHENANGO COUNTY.

Bainbridge,	236 77	Oxford,	55 00
Columbus,	83 16	Pharsalia,	60 00
Coventry,	43 83	Plymouth,	55 66
Guilford,	*46 12	Preston,	90 95
Greene,	86 74	Sherburne,	108 89
Macdonough,	59 94	Smyrna,	73 92
New-Berlin,	88 55		
Otselic,	101 83		
			<hr/>
			\$1191 36

* From overseers of the poor.

CORTLAND COUNTY.

Cincinnati,	\$79 78	Scott,	\$97 30
Cortlandville,	246 80	Solon,	99 16
Marathon,	71 13	Truxton,	279 78
Homer,	123 50	Virgil,	38 85
Preble,	118 55		
			<u>\$1154 85</u>

GENESEE COUNTY.

Castile,	*\$48 46	Warsaw,	*109 38
Covington,	*18 23	Wethersfield,	*3 00
Stafford,	*160 39		
			<u>\$339 46</u>

MADISON COUNTY.

Brookfield,	\$182 80	Hamilton,	70 00
Eaton,	86 25	Madison,	123 07
Fenner,	*75 00	Nelson,	107 46
Georgetown,	115 07		
			<u>\$759 65</u>

ONONDAGA COUNTY.

Cicero,	\$50 29	Skaneateles,	647 22
Clay,	194 74	Spafford,	74 68
Fabius,	103 84	Salina,	104 90
Manlius,	1018 21	Tully,	103 74
Marcellus,	214 84	La Fayette,	252 17
Otisco,	154 65		
Pompey,	370 80		<u>\$3289 58</u>

SENECA COUNTY.

Covert,	\$288 87	Romulus,	281 41
Fayette,	201 08	Seneca-Falls,	68 69
Junius,	86 04	Tyre,	87 35
Lodi,	376 47	Waterloo,	94 79
Ovid,	373 95		
			<u>\$1858 65</u>

ST. LAWRENCE COUNTY.

Canton,	\$175 73	Norfolk,	†10 14
De Kalb,	†29 00	Pierrepont,	\$40 50
Gouverneur,	73 35	Potsdam,	74 25
Hopkinton,	†25 00	Russell,	†8 86
Louisville,	7 79	Stockholm,	†8 24
Madrid,	63 21		
Morristown,	7 00		<u>\$523 07</u>

* From overseers of the poor.—† Taxes on non-resident lands.

‡ From supervisor.—§ Part collectors' fees on non-resident tax.

TOMPKINS COUNTY.

Dryden,.....	\$201 06	Broton,	20 00
Enfield,.....	239 70	Hector,	735 43
Ithaca,	518 62	Lansing,.....	582 29
Ulysses,.....	343 03		
			<u>\$2640 13</u>

WAYNE COUNTY.

Galen,	109 88
Amount local fund,.....	<u>\$14095 32</u>

RECAPITULATION.

Broome,	\$260 82
Cayuga,	1,967 87
Chenango,	1,191 38
Cortland,.....	1,154 85
Genesee,.....	339 46
Madison,	759 65
Onondaga,.....	3,289 58
Seneca,	1,858 65
St. Lawrence,.....	523 07
Tompkins,.....	2,640 13
Wayne,	109 88
	<u>\$14,095 32</u>

(F.)

*Extract from Mr. Butler's Discourse before the Albany Institute
in 1830.*

"Prior to 1827 the distribution of the moneys arising from the literature fund was submitted to the discretion of the Regents; but the act of April, 1827, which augmented that fund, provided that the income of the whole fund should be distributed among the several institutions, 'in proportion to the number of pupils instructed in each academy or seminary, for six months during the preceding year, who should have pursued classical studies, or the higher branches of English education, or both:' and also that no pupil should be deemed to have pursued classical studies unless he had advanced as far at least as to have read the first book of the *Aeneid* of Virgil in Latin, nor to have pursued the higher branches of English education unless he had advanced beyond such knowledge of arithmetic, (including vulgar and decimal fractions,) and such proficiency in English grammar and geography, as are usually taught in common schools. The power of the Regents to prescribe other conditions, was also recognized in this act. But during the revision of the laws, the legislature altered the provision just quoted from the act of 1827; and directed in lieu thereof, that the whole income of the literature fund should be annually divided by the Regents into eight equal parts, one to each Senate district. The share assigned to each district is then to be distributed among the seminaries established within it, on the principles above specified. It is understood that this alteration was made with the view of encouraging seminaries in the newly settled parts of this state; its operation, however, thus far, has been exceedingly unequal if not unjust; as will appear from the following statement of the distribution of \$10,000 made in February, 1830, the first under the new statute.

FIRST DISTRICT.

Names of academies incorporated by the regents, or which are subject to their visitation, in each Senate district.	Whole No. of students belonging to academy at the date of report.	No. students allowed by the regents to have pursued classical studies or the higher branches of English education for 4 months of said year.	Amount of money apportioned by the regents out of the literature fund.
Erasmus Hall,	101	58	\$395 00
Oyster-Bay,	49	7	108 00
Union-Hall,	47	16	247 00
		81	\$1250 00

SECOND DISTRICT.

Delaware,	35	25	\$205 57
Dutchess County,	125	38	312 46
Kingston,	45	15	123 34
Montgomery,	100	15	123 34
Newburgh,	18	18	148 15
North-Salem,	70	20	164 46
Redhook,	41	21	172 68
		152	\$1250 00

THIRD DISTRICT.

Albany,	195	96	\$277 18
Albany Female Seminary,	130	40	115 50
Albany Female Academy,	226	125	360 68
Greenville,	25	12	34 64
Hudson,	45	45	129 93
Kinderhook,	64	69	199 25
Lansingburgh,	82	26	75 07
Schenectady,	30	20	57 75
		433	\$1250 00

FOURTH DISTRICT.

Canajoharie,	64	45	\$221 45
Cambridge, Washington,	53	49	241 13
Granville,	33	12	59 10
Johnstown,	69	20	98 42
Plattsburgh,	81	33	162 40
St. Lawrence,	117	73	359 24
Washington, (Salem,)	55	22	108 26
		254	\$1250 00

FIFTH DISTRICT.

Bridgewater,	49	33	\$83 16
Clinton Grammar School, .....	..	21	52 92

FIFTH DISTRICT, (CONTINUED.)

Names of academies incorporated by the regents.	Whole No. students.	No. classical students.	Amount of money apportioned.
Fairfield,.....	52	50	\$126 00
Hamilton,.....	75	69	224 28
Lowville,.....	85	38	95 76
Oneida Institute,.....	37	33	83 16
Steuben,.....	11	20	50 48
Seminary of the Oneida and Genesee Con.	103	63	158 76
Utica,.....	88	74	186 48
Union Literary Society,.....	.....	75	189 00
		496	\$1250 00

SIXTH DISTRICT.

Cherry-Valley,.....	45	40	\$199 20
Cortland,.....	53	78	388 44
Franklin,.....	70	20	99 60
Hartwick Seminary,.....	37	32	159 36
Ithaca,.....	75	23	114 56
Oxford,.....	33	28	139 44
Oswego,.....	53	30	149 40
		251	\$1250 00

SEVENTH DISTRICT.

Auburn,.....	111	31	\$226 60
Cayuga,.....	...	12	87 72
Canandaigua,.....	72	20	146 20
Onondaga,.....	43	14	102 34
Ovid,.....	...	27	197 37
Ontario Female Seminary,.....	72	25	182 75
Pompey,.....	30	12	87 82
Yates Co. Academy and Female Seminary,	76	30	219 30
		171	\$1250 00

EIGHTH DISTRICT.

Buffalo High School,.....	100	41	\$266 94
Gaines,.....	62	19	123 70
Middlebury,.....	107	39	253 90
Monroe,.....	66	56	364 57
Rochester High School,.....	360	37	240 89
		192	\$1250 00

(G.)

The following Statement shows the proportion of those annually instructed in the several counties in the State, compared with the whole population.

Counties.	Population by the census of 1890.	Children taught.	Proportion which the children taught bear to the whole population.
Albany,.....	53532	8890	1 to 6.02
Allegany,.....	26276	8270	1 to 3.17
Broome,.....	17593	5543	1 to 3.17
Cattaraugus,.....	16724	4832	1 to 3.46
Cayuga,.....	47947	15719	1 to 3.05
Chautauque,.....	34668	10990	1 to 3.15
Chenango,.....	37417	14171	1 to 2.64
Clinton,.....	19344	4863	1 to 3.97
Columbia,.....	39952	9314	1 to 4.18
Cortland,.....	23988	8757	1 to 2.73
Delaware,.....	33025	11136	1 to 2.97
Dutchess,.....	50926	10448	1 to 4.87
Erie,.....	35712	10343	1 to 3.45
Essex,.....	19287	6593	1 to 2.92
Franklin,.....	11312	3101	1 to 3.64
Genesee,.....	52154	17969	1 to 2.81
Greene,.....	29525	7560	1 to 3.90
Herkimer,.....	35869	11436	1 to 3.13
Jefferson,.....	48495	15203	1 to 3.18
Kings,.....	20539	1170	1 to 17.54
Lewis,.....	15239	4838	1 to 3.32
Livingston,.....	27729	9130	1 to 3.03
Madison,.....	39037	12973	1 to 3.00
Monroe,.....	49810	15268	1 to 3.19
Montgomery and Hamilton,.....	47772	11611	1 to 4.11
New-York,*.....	213470	.....	1 to 8.53
Niagara,.....	18482	5534	1 to 3.33
Oneida,.....	69847	19731	1 to 3.56
Onondaga,.....	58974	17364	1 to 3.33
Ontario,.....	40372	13854	1 to 2.91
Orange,.....	45372	10943	1 to 4.14
Orleans,.....	18843	6341	1 to 2.97
Oswego,.....	27110	8753	1 to 3.09

* The returns from the public schools in the city of New-York, exhibit a very limited view of the school instruction in that city. By a census taken in 1890, it appears that there were 24,902 scholars in all the schools and academies in the city, public and private. The population, as ascertained by the late census, divided by the children in all the schools, gives 1 scholar taught to 8.53 of the whole population.

<i>Counties.</i>	Population by the census of 1890.	Children taught.	Proportion which the children taught bear to the whole population.
Otsego,	51372	17573	1 to 2.92
Putnam,	12701	3047	1 to 4.16
Queens,	22276	3486	1 to 6.36
Rensselaer,	49453	12254	1 to 3.21
Richmond,	7084	1056	1 to 6.70
Rockland,	9388	1655	1 to 5.67
Saratoga,	40122	11151	1 to 3.59
Schenectady,	12334	3291	1 to 3.71
Schoharie,	27951	8219	1 to 3.40
Seneca,	21031	6703	1 to 3.13
St. Lawrence,	26351	11205	1 to 2.35
Steuben,	33977	11046	1 to 3.07
Suffolk,	26780	6917	1 to 3.87
Sullivan,	12372	3336	1 to 3.70
Tioga,	27768	7663	1 to 3.62
Tompkins,	36541	12417	1 to 2.94
Ulster,	36551	7509	1 to 4.86
Warren,	11795	3854	1 to 3.06
Washington,	43280	13356	1 to 3.24
Wayne,	33552	11970	1 to 2.51
Westchester,	36456	6730	1 to 5.41
Yates,	19019	5867	1 to 3.24
			55) 217.18

General average, 1 to 3.24₁₀₀

The following table, says the Southern Review, (p. 113, vol. 4,) is taken, excepting two items, (Pays de Vaud and Bavaria,) from Balbi, one of the most distinguished statistical writers of the present day. These we have found among the articles of literary intelligence contained in the "Revue Encyclopedique" for the last year.

In the Pays de Vaud there is 1 child at school for every 6.6 inhab.

Prussia,	1	do	do	7.
Bavaria,	1	do	do	8.
Low Countries,	1	do	do	9.7
Austria,	1	do	do	15.
England,	1	do	do	15.3
France,	1	do	do	17.6

In the report of the Superintendent of 1827, (Assembly Journals, Appendix A. p. 61,) a statement was given in regard to the state of education in various countries of Europe, prepared by M. Ferrusac, of Paris. The following items are given from that statement.

In Scotland there is 1 child at school to every 10 inhabitants.

Ireland,	1	do	do	18
Poland,	1	do	do	78
Portugal,	1	do	do	18
Russia,	1	do	do	954

*The Commissioners of School Money for the city and county of
New-York,*

REPORT:—

That the balance of school money remaining from the former distribution, to the credit of the commissioners, amounted to twenty-eight dollars and twenty-four cents,..... **\$28 24**

The sum received and placed by the county and state to the credit of the commissioners for the current year, amounted to ten thousand two hundred and seventy-four dollars and sixty-nine cents for each, amounting in the whole, to twenty thousand five hundred and forty-nine dollars and thirty-eight cents, **20,549 38**

The $\frac{1}{16}$ of one per cent. authorised by the act of 1829, **14,071**

Making a total for distribution of thirty-four thousand six hundred and forty-eight dollars and sixty-two cents,..... **\$34,648 62**

The commissioners have paid the balance in full of the Bethel Church claim, with interest, amounting to..... **\$1,062 21**

The commissioners have also divided and paid to the several schools entitled thereto, the sum of thirty-three thousand five hundred and sixty-nine dollars and forty-six cents,..... **33,569 46**

\$34,631 67

Leaving a balance to the credit of the commissioners for the year 1831, of..... **16 95**

\$34,648 62

Of the sum of thirty-four thousand six hundred and thirty-one dollars and sixty-seven cents thus distributed, the commissioners paid:

To the Orphan Asylum, for one hundred and thirty-five scholars, eight hundred and eighty-nine dollars and sixty-five cents, **\$889 65**

To the African schools for three hundred and thirty-two scholars, two thousand one hundred and eighty-seven dollars and eighty-eight cents,..... **2,187 88**

Amount carried forward,..... **\$**

Amount brought forward,	\$	
To the Mechanics' school, for twenty-nine scholars, one hundred and ninety-one dollars and eleven cents,		191 11
To the public schools, for four thousand four hundred and eighty-nine scholars, twenty-nine thousand five hundred and eighty-two dollars and fifty-one cents,	29,582	51
To the Harlem school, for twelve scholars, seventy-nine dollars and eight cents,		79 08
To the Manhattanville school, for forty-seven scholars, three hundred and nine dollars and seventy-three cents,	309	73
To the Hamilton school, for fifteen scholars, ninety-eight dollars and eighty-five cents,		98 85
To the Yorkville school, for thirty-five scholars, two hundred and thirty dollars and sixty-five cents, ...	230	65
Claim of the Bethel Church, with interest,	1,062	21
		<hr/>
		\$34,631 67

New-York, December 20th, 1830.

A true copy of the original, on file in my office.

N. DEAN,
Clk. city and county N. York.

Dated 21st Dec. 1830.

The following are the locations and sizes of the several schools of the public School Society.

No.	Location.	Teachers.	Scholars.
1,	in Chatham-street,	Lloyd D. Windsor,	451, boys and girls.
2,	in Henry-street,	T. M. Macy,	347, boys.
		Eunice Dean,	377, girls.
3,	in Hudson-street,	Benj. F. Hart,	413, boys.
		Frances M. Hart,	253, girls.
4,	in Rivington-street,	S. Hammond,	463, boys.
		Caroline B. Knapp,	395, girls.
5,	in Mott-street,	John Tuomy,	299, boys.
		Maria M. Field,	180, girls.
6,	at Bellevue,	Francis Windsor,	325, boys and girls.
7,	in Chrystie-street,	S. R. Kirby,	276, boys.
		Frances Coit,	258, girls.
8,	in Grand-street,	C. B. Shearman,	300, boys.
		Elizabeth Dean,	280, girls.
	Junior department,	N. H. Reynolds,	210, boys and girls.
9,	at Bloomingdale,	Jotham Wilson,	63, boys and girls.
10,	in Duane-street,	A. De Montfredy,	278, boys.
		Eliza J. Cox,	268, girls.
	Infant school,	Mrs. Smith,	192, boys and girls.
11,	in Wooster-street,	Joseph Belden,	300, boys.
		Mary Ann Shourt,	250, girls.

6178

RECAPITULATION.

Numbers of the houses.	Cost and value of lots.	Cost and value of buildings.	Total.
1	.....	\$18,100 00	\$18,100 00
2	\$4,800 00	14,112 53	18,912 53
3	5,000 00	7,884 00	12,884 00
4	2,700 00	12,116 62	14,816 62
5	2,295 94	9,977 00	12,272 94
6	.....	.....	.....
7	4,500 00	10,490 62	14,990 62
8	5,000 00	12,634 49	17,634 49
9	500 00	.....	500 00
10	8,350 00	13,072 84	21,422 84
11	3,750 00	12,406 00	16,156 00
	<u>\$36,895 94</u>	<u>\$110,791 00</u>	<u>\$147,686 00</u>

School Furniture.

Desks, benches, fixtures, stoves, &c. in 21 school rooms,.....	\$10,500 00
Books, maps, globes, libraries, &c. in 21 rooms,.....	5,250 00
	<u>\$163,436 00</u>

Value of the Public School Society's property now mortgaged.

No. 3,	\$12,884, to William W. Fox,.....	\$10,000
No. 5,	12,272, to Thomas Collins,.....	10,000
No. 7,	14,990, to Robert D. Weeks,.....	10,000
No. 8,	17,634, to Samuel Emlen,.....	10,000
No. 10,	21,422, to Este. Thos. S. Byrns,.....	10,000
No. 11,	16,156, to Thomas Collins,.....	10,000
	<u>\$95,358</u>	<u>\$60,000</u>

(I.)

The following table exhibits the gain and loss in the number of children taught, the number between five and sixteen, the number of districts which have made reports and the money paid for teachers' wages besides public money, compared with the returns of last year, as well as the number of inspections in each county.

<i>Counties.</i>	Increase in children taught.	Increase in children between 5 and 16.	Increase in districts returned.	Increase in money over and above public money.	Decrease in children taught.	Decrease in children between 5 and 16.	Do. in districts returned.	Decrease in money over public money.	No. of inspections in each county.
Albany,	82	254	11	\$1304 81	....	....	..	.....	116
Allegany, ...	526	746	5	1767 93	....	....	..	.....	220
Broome,	216	427	10	138 38	....	....	..	.....	84
Cattaraugus, ..	528	1030	19	521 72	....	....	..	.....	116
Cayuga,	433	438	9	1583 64	....	....	..	.....	227
Chautauque, ..	1697	1671	34	2342 67	....	....	..	.....	227
Chenango, ...	760	395	3	683 22	....	....	..	.....	300
Clinton,	319	389	11	1315 97	....	....	..	.....	64
Columbia, ...	.....	142	4	1050 47	495	....	..	.....	266
Cortland,	481	240	10	728 67	....	....	..	.....	177
Delaware, ..	891	539	20	.....	....	....	..	\$658 04	183
Dutchess, ...	.....	345	1	176 87	691	....	..	.....	144
Erie,	1072	828	9	743 43	....	....	..	.....	211
Essex,	544	166	6	269 87	....	....	..	.....	88
Franklin, ...	163	136	1	111 66	....	....	..	.....	44
Genesee, ...	131	816	4	3387 22	....	....	..	.....	311
Greene, ....	.....	138	8	.....	246	....	..	97 07	128
Herkimer, ..	163	161	3	.....	....	....	..	49 37	177
Jefferson, ...	68	789	8	885 28	....	....	..	.....	132
Kings,	250	1111	..	1130 22	....	....	1	.....	14
Lewis,	102	331	1	392 83	....	....	..	.....	103
Livingston, ..	594	396	5	1327 63	....	....	..	.....	152
Madison, ...	58	276	5	2394 56	....	....	..	.....	214
Monroe,	541	.....	7	2978 42	....	182	..	.....	243
Montgomery, ..	.....	593	..	2384 03	55	....	..	.....	128
New-York, ...	171	.....	..	.....	....	....	..	.....	....
Niagara,	1152	611	6	.....	....	..	622 06	....	69
Oneida,	399	849	1	723 41	....	....	..	.....	319
Onondaga, ...	873	1618	16	.....	....	....	..	498 62	160
Ontario,	428	734	5	2355 51	....	....	..	.....	192
Orange,	95	13	3	2861 30	....	....	..	.....	116
Orleans,	73	237	4	1477 58	....	....	..	.....	84
Oswego,	465	576	11	2363 31	....	....	..	.....	198
Otsego,	164	241	7	1326 71	....	....	..	.....	363
Putnam, ....	.....	289	3	1173 43	109	....	..	.....	54
Queens,	124	1089	6	1373 10	....	....	..	.....	21

<i>Counties.</i>	Increase taught.	Increase 5 and 16.	Increase districts.	Increase money.	Decrease taught.	Decrease 5 and 16.	Decrease districts.	Decrease money.	No. inspections.
Rensselaer, .	794	498	1	\$2353 49	....	....	..	.....	163
Richmond, ..	100	.....	...	690 75	....	166	2	.....	26
Rockland, ...	.....	.....	1	.....	85	43	..	\$927 73	26
Saratoga, ...	237	127	...	588 22	....	...	1	.....	178
Schenectady,	155	20	5	217 27	....	...	..	.....	39
Schoharie,...	368	8	2	.....	....	...	..	.....	89
Seneca,.....	157	141	2	768 11	....	...	..	.....	53
St. Lawrence	1392	877	19	2324 84	....	...	..	.....	203
Steuben, ...	1078	1169	9	715 30	....	...	..	.....	156
Suffolk,....	522	156	...	1960 79	....	...	..	.....	103
Sullivan,....	.....	280	7	354 76	62	....	..	.....	75
Tioga,	274	594	4	896 25	....	...	..	.....	97
Tompkins, ..	437	166	2	1182 14	....	...	..	.....	147
Ulster,	525	389	4	187 22	....	...	..	.....	90
Warren,	350	267	3	147 41	....	...	..	.....	57
Washington,	57	47	9	502 68	....	...	..	.....	207
Wayne,	1339	1066	4	64 53	....	...	..	.....	134
Westchester,	.....	242	10	.....	291	....	..	2880 41	....
Yates,.....	.....	72	4	.....	64	....	..	203 84	101
	21409	24622	342	54227 66	2098	391	4	5347 14	6589
<i>Recapitulation.</i>									
Total gain, ..	21409	24622	342	54227 66					
loss, ..	2098	391	4	5347 14					
Real gain,...	19311	24231	338	48880 52					

No. 16.

IN ASSEMBLY,

January 6, 1831.

MESSAGE,

**From the Governor, transmitting the Annual Report
of the Adjutant-General.**

TO THE ASSEMBLY.

GENTLEMEN—

I have the honour to transmit herewith, the annual report of the
Adjutant-General.

E. T. THROOP.

Albany, January 6, 1831.

[A. No. 16.]

1

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IN OF ARMS A FI

	Pistols.	Cartouch-boxes.	Cartridges.	
	509	549	59
	640	569	705	69
2	472	449	1772	61
2	....	....	....	....
	408	223	49	46

4	2029	1790	2526	237
4
4	422	36	13	26
4	431	165	26
4	853	201	13	53

neral's Office, Deca

THEW HENRY V



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REMARKS.

1st Lieutenant

ery, uded in Cavalry returns.
 2.
 22
 12
 in 9 pdr. & 10 do. 3 pdr. 1 reg't not inspected.
 23
 in 4 and 1 do. 5 pdr. 1 reg't not inspected.
 14
 in 2 and 3 do. 3 pdr. 1 reg't not inspected.
 23
 Regiment not inspected.
 16

164

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[A. No. 16.]

Annual return of companies of Artillery, &c. attached to the different brigades of Infantry for inspection, in the year 1830.

Number of companies.	COMPANY OFFICERS.										PRIVATES.		Total officers, non-commissioned officers, musicians and privates, present and absent.
	Commissioned.			Non-commissioned.									
	Captains.	Lieutenants.	Ensigns.	Sergeants.		Corporals.		Musicians.					
				Present.	Absent.	Present.	Absent.	Present.	Absent.				
											Present.	Absent.	
27	27	52	5	91	9	77	11	115	3	1008	355	1763	

RECAPITULATION.

Horse artillery,	1,716
Cavalry,	5,814
Artillery,	12,803
Infantry, (including light infantry and riflemen,)	166,514
Companies of artillery, &c. attached to infantry for inspection,	1,763
Total,	188,610

IN ASSEMBLY,

January 12, 1831.

REPORT

Of the committee on colleges, academies and common schools, on the petition of the trustees of one of the school districts of the city of Albany.

Mr. Morehouse, from the committee on colleges, academies and common schools, on the petition of the trustees of the school district in the city of Albany lying west of Perry-street,

REPORTED:

That it is represented by the said petition, that a law was passed at the last session of the Legislature, creating a school district in that part of the city of Albany in which the petitioners reside ; but from inadvertence in the draft of the act relating thereto, the inhabitants were not authorised to raise money by tax to build a school-house. That the money requisite for that purpose has been borrowed, a school-house erected, and a school maintained therein for the last six months ; and the petitioners pray that a law may be passed, authorising them to raise the amount expended in erecting the said school-house, by a tax on the real and personal estate in the said district ; and that the district may be denominated number six.

The committee have examined into the facts set forth in the petition, and also the act referred to therein, entitled " An act relating to common schools in the city of Albany," passed April 17th, 1830. It appears from the said act, that the inhabitants of the city of Albany residing west of Perry-street, and east of a parallel line three miles west thereof, were required to form themselves into a school district ; and that it was manifestly the intention of the Legislature to authorise them to impose and collect taxes for the hire or erection

of a school-house, and the support of a teacher ; but from the omission in the said act to confer that power upon the inhabitants of the other districts in the city of Albany, the sufficiency of the enactment in that behalf was at least doubtful.

The committee believe that the petitioners have incurred the expense of erecting the school-house in good faith, and from prudential motives, and that they are entitled to the relief prayed for in their petition, and have therefore instructed their chairman to ask leave to introduce a bill.

IN ASSEMBLY,

January 12, 1831.

REPORT

**Of the select committee on the petition of the board
of supervisors of the county of Monroe.**

Mr. Lacey, from the select committee, to whom was referred the
petition of the board of supervisors of the county of Monroe,

REPORTED—

That they have had the petition under consideration, and that they find a law passed April 21st, 1828, authorising the board of supervisors of said county to raise five thousand dollars, exclusive of treasurer's and collector's fees. It also appears from the petition, that the sum of five thousand dollars, together with the fees as aforesaid, has been levied, collected and paid over to the treasurer of the said county. Soon after the monies aforesaid were collected and paid over, the treasurer died, being, as appears, insolvent to a large amount, leaving his sureties upon the bond to the county of Monroe, liable to the amount of seven thousand dollars, which said sum the said sureties refused to pay. It further appears that the said board of supervisors have commenced a suit in the supreme court of this state against the sureties of said treasurer, for the recovery of the said seven thousand dollars, but have hitherto been unable to recover the said sum or any part thereof. The supervisors further represent, that the jail in said county is in a failing condition, and altogether insufficient to keep and secure the persons therein confined. The said petitioners therefore ask the legislature the passage of a law authorising the supervisors of the county of Monroe to raise the sum of five thousand dollars, (exclusive of fees) by tax on the inhabitants of said county, to be raised in two equal annual in-

[A. No. 18.]

stalments ; and that in case of a recovery against the sureties of the late treasurer, the said sum now proposed to be raised or the amount recovered, if any, may be applied to defray the contingent expenses of said county.

Your committee deem the petition reasonable, and are of opinion the same ought to be granted ; they therefore direct their chairman to prepare a bill, and ask leave to introduce the same.

IN ASSEMBLY,

January 12, 1831.

REPORT

Of the Select Committee on the petition of the Board of Supervisors of the county of Jefferson, for an act authorising them to levy and collect a tax on said county for the purpose of building a fire-proof clerk's office.

Mr. Keith, from the select committee to which was referred the petition of the board of supervisors of the county of Jefferson, praying for the passage of an act authorising them to levy and collect a tax of one thousand dollars on said county, for the purpose of building a fire-proof clerk's office,

REPORTED—

That the petition sets forth that the clerk's office in said county is in a rapid state of decay, and that in the opinion of said board, the public interest of the county requires that a new fire-proof clerk's office should be immediately erected.

The committee are satisfied that the statements set forth in the petition ought to be granted, and have therefore prepared a bill, which they ask leave to introduce.

IN ASSEMBLY,

January 13, 1831.

REPORT

Of the committee on claims on the petition of Michael Anthony.

Mr. J. C. Spencer, from the committee on claims, to whom was referred the petition of Michael Anthony,

REPORTED—

The petitioner claims to be allowed the sum of £200, which was credited to this state by the United States for damages done by its army in the winters of 1779 and 1780, in cutting and using timber which was upon a farm in Peekskill, Westchester county. The farm had belonged to Joseph Anthony, who is said to have mortgaged it to one George Folliot. Anthony died in the early part of the war, and the farm descended to his eldest son Joseph Anthony, who was the owner of it at the time the damage was done. In September 1786, Joseph Anthony the younger, conveyed it to the petitioner. Folliot, the supposed mortgagee, is said to have been attainted for treason, and if so, the state became vested with his interest in the mortgage. The presumption is, that the state never collected the debt secured by the mortgage, as it seems to have been supposed that all mortgages to attainted persons, were discharged or cancelled by the operation of the act of 1807, in relation to those mortgages.

Your committee are satisfied that the state received the £200, and that it belonged to the owner of the land in fee, and not to the mortgagee. It would seem that a certificate for the amount had been issued, but there is no evidence that it was ever paid; and on the contrary, the evidence induces a belief that it could not have been paid. If there was a mortgage, of which there is no evidence, and

if it was cancelled by the state, of which also there is no evidence, yet such a donation to the mortgagor could scarcely be considered a payment of the £200 received by the state. The fact of indebtedness on account of having received that sum, was probably unknown at the time. In the view of your committee, the £200 does not belong to the state, but to the person who was owner of the land at the time the injury was committed on it. That owner was Joseph Anthony the younger, who is understood yet to be living. The conveyance of the land by him to Michael Anthony, six years after the injury was sustained, did not transfer his claim to compensation for that injury or to the money which the state had received in trust for him. And as Michael Anthony shows no other evidence of a transfer of that claim, any payment or satisfaction of it to him, would not prevent Joseph Anthony or his representatives from making the same claim.

Your committee therefore recommend to the house the adoption of the following resolution :

Resolved, That the prayer of the petition of Michael Anthony, ought not to be granted, and that he have leave to withdraw his petition and the accompanying papers.

IN ASSEMBLY,

January 13, 1831.

REPORT

Of the Committee on Claims, to which was referred the petition of Orson Smith, in behalf of himself and others, heirs of David Smith.

Mr. J. C. Spencer, from the Committee on Claims, to which was referred the petition of Orson Smith, in behalf of himself and others, heirs of David Smith,

REPORTED—

The difficulties which this claim has heretofore encountered, seem to be removed by the discovery of a manuscript copy of a register of the officers and soldiers serving in the regiments of this state in the continental army during the revolutionary war. This document, which the state has purchased, and deposited in the office of the Secretary of State, and which is deemed authentic and of great weight as evidence, shows that David Smith was enlisted as a private in Capt. McCracken's company in the first regiment, on the 8th of January, 1777, to serve during the war. The fact had been sworn to positively by Capt. McCracken, and by Matthew Bellamy, who was a private in the same company and a brother-in-law of Smith's, and other circumstantial evidence had been adduced before the discovery of the register above mentioned. The fact of enlistment to serve during the war, seems now to be put at rest.

The fact of his having died in the service, is established as satisfactorily as such a fact well can be proved at this distance of time. McCracken and Bellamy both prove his having been taken sick at Valley-Forge, and their having heard of his death soon after. His relatives all testify to the report of his death about the same time.—

This is the usual evidence given in such cases in courts of law, and from the nature of the case, it is the best possible evidence of which it admits.

The fact of his not having been returned dead, amounts to very little. The officer of his regiment, whose duty it was to make the return may not have been at the station where he died ; and indeed considering the confusion which prevailed during that gloomy period of the war, an omission of this kind was more likely to occur, than an accurate return. In numerous instances these returns have been found imperfect.

These two points being established—that David Smith enlisted during the war, and that he died in the service, it follows inevitably that he was entitled to the bounty lands promised by this state. This principle has been perfectly settled by the legislature of this state for the last twenty-five years.

On the subject of delay in making the application, no fault can be imputed to the heirs of the soldier. As early as 1796 a petition was presented, the facts were all admitted by the committee who reported on the subject, but they adopted a construction of the laws and resolutions respecting bounty lands, which has since been universally discarded as erroneous. From that time to this, at various intervals, the application has been renewed, and bills for the relief of the petitioners have passed one or other house of the legislature, but finally failed, owing, as it is presumed, to a defect in the proof of the fact of Smith's enlistment. That defect being now supplied, anxious as your committee are that no new claims against the state should be admitted without the most thorough investigation, yet having bestowed that investigation, and being unable to detect any deficiency in the proof to sustain this claim, they cannot think it comports either with the character or dignity of the state to refuse an act of justice so long delayed. The most satisfactory evidence is furnished by the balloting book that no patent was ever issued to this David Smith.

With these views, your committee would at once report a bill directing the issuing of letters patent to the heirs of Smith, for the usual quantity of land ; but they learn that the lands set apart for the revolutionary claims are exhausted, except what remains in the town of Sterling, where there are a few hundred acres of swamp

land of very little value. The committee have no alternative but to present to the house a proposition to satisfy this claim by a direct appropriation of money. Although ancient, they do not conceive its character is less sacred, because it originated in that eventful struggle which secured to our fathers, and to ourselves, liberty and independence. They have some difficulty in arriving at a satisfactory estimate of the value of the five hundred acres of land to which Smith was entitled at the time of the first application of his heirs in 1796. But upon the whole, after obtaining all the information within their reach, they have concluded to recommend the sum of eight hundred dollars, to include as well the original value of the land, as all claims for interest.

Another difficulty is, the want of sufficient proof who are the right heirs of David Smith. This has been provided for in the bill which the committee have directed their chairman to report to the House.

IN ASSEMBLY,

January 13, 1831.

Of the Committee on Claims, on the petition of
George Thompson.

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of George Thompson,

REPORTED—

The petitioner, with other heirs of John Thompson, deceased, had two hundred acres of land granted to them in the west part of lot number ninety-six, in Sterling. They divided the land into seven parts, and each took his respective portion. In 1825 the portion belonging to the petitioner and his sister, Margaret Elder, was sold to pay a tax assessed upon the whole of the lot, which had thus been granted. The petitioner discovered the sale in time to redeem the land, but says he was unable to pay the whole amount, and was advised if he did he would have no remedy against the owners of the other parts of the lot, to compel a contribution. This is the substance of the petition, and he solicits redress, without specifying its nature.

The petitioner was certainly ill advised ; he had ample remedy to collect their proportion of the other proprietors, if he had paid it. His want of means to do so, is a misfortune, for which he can scarcely expect the state to be accountable. The tax was laid to improve a road, and no part of it has been received by the state. Your committee can not discover any ground upon which this claim can be for a moment entertained. They therefore recommend to the house the following resolution :

Resolved, That the prayer of the petition of George Thompson be denied, and that the petitioner have leave to withdraw his petition and the accompanying papers.

IN ASSEMBLY,

January 13, 1831.

REPORT

**Of the committee on claims, on the petition of the
Highland Turnpike Company.**

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of the president, directors and company of the Highland turnpike company,

REPORTED—

In 1825, the supervisors of Westchester levied a tax on the capital of the petitioners, as follows : On the bed of the turnpike road, which was estimated at 16,000 dollars, and on the amount of stock subscribed, estimated at 70,828 dollars ; which tax amounted in the whole to \$202.83, of which \$43.41 was for the State tax. In 1826, a further tax of \$75 was levied, of which no part was for the State. The petition alleges that no effort was made to prevent the assessment, as it did not occur to the president, who managed the concerns of the company, that the supervisors would assess the corporation. The petitioners ask for an act directing the repayment of these taxes.

Your committee believe that the proceedings of the supervisors were not warranted by law ; but they do not perceive how acclaim on the State is thereby furnished. The laws provide ample remedies for the illegal acts of officers of every description, and it would be a novelty for the State to compensate for injuries produced by such acts. If the proceedings were lawful, then most assuredly the State can not interfere. If the assessment was erroneous in amount, means were provided by law to reduce it ; and it can not seriously be asked of the State to remunerate any individual for a loss sustained by his own neglect to pursue the appropriate remedies.

[A. No. 23.]

The committee recommend to the House the adoption of the following resolution :

Resolved, That the prayer of the petition of the Highland turnpike company be denied, and that the said company have leave to withdraw the same.

IN ASSEMBLY,

January 13, 1831.

REPORT

**Of the committee on claims, on the petition of
William C. Young.**

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of William C. Young,

REPORTED :

The petitioner was employed as an engineer by the commissioners appointed in the act passed April 15th, 1828, respecting a rail-road from Boston to the Hudson river. He made very valuable maps and profiles of the route from Albany to the Massachusetts line, and attended with them before the members of the Legislature of Massachusetts.

On the 1st of December 1828, Nathan Hale, vice-president of the Massachusetts board of commissioners, addressed a letter to one of the New-York board, from which the following is an extract :

“ You will add to the obligations already conferred on us, if you will authorise and request your engineer to furnish us with copies of his plans and profiles of the survey from Albany to the line of this State, the expense thereof to be charged by him to our board.”

The copies and profiles were furnished accordingly by the petitioner, for which he asks remuneration from this State. The charge was disallowed by the Comptroller, on the ground that the expense was not incurred by the order and on the responsibility of our commissioners, but at the request and on the promise of payment by the Massachusetts board. The committee see nothing in the documents

before them to vary this ground ; but on the contrary, they think it confirmed by the extract before given. Nor can they perceive why any courtesy to a neighboring State should require this State to pay a claim, which, for aught that appears, the State of Massachusetts is ready to pay on being asked.

The committee feel constrained to recommend the adoption of the following resolution :

Resolved, That the prayer of the petition of George C. Young be denied, and that he have leave to withdraw the same.

IN ASSEMBLY,

January 13, 1831.

REPORT

Of the Committee on Claims, on the petition of Ezekiel Cravath.

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of Ezekiel Cravath,

REPORTED:

A road was laid by the commissioners of highways of the town of Wethersfield in the county of Genesee, through land of the petitioner which was neither improved, cultivated or enclosed; by which, as he alleges, he sustained damage, but has received no compensation therefor. He relies on the constitutional provision that private property shall not be taken for public use, without just compensation, and calls upon the Legislature to compensate him for the damage he has sustained.

If the law authorising the laying out and opening of a highway through his unimproved land, be unconstitutional, the petitioner has a simple and easy remedy against those who committed the injury, by an appeal to the courts of justice, and if they pronounce the law unconstitutional, it will be time enough for the Legislature to provide a remedy for the petitioner. But the committee can not now undertake to investigate or decide the question, whether a law which has been in operation about forty years, is unconstitutional. They should at any time think that neither this House or one of its committees, was exactly the tribunal to determine such a matter. And if they should, and should find the act unconstitutional, they do not perceive how the State of New-York is bound to compensate the petitioner.

The committee recommend to the House, the adoption of the following resolution :

Resolved, That the prayer of the petition of Ezekiel Cravath be denied, and that he have leave to withdraw the same.

IN ASSEMBLY,

January 13, 1831.

REPORT

Of the Committee on Trade and Manufactures, on the report from the Secretary of State, in relation to standard weights and measures.

Mr. Bogert, from the committee on trade and manufactures, to whom was referred the report from the Secretary of State in relation to furnishing the counties with the standard weights and measures,

REPORTED—

That they have had the subject under consideration. The only question to which the Secretary of State has in his report drawn the attention of the House, is whether the copies of the original standards of weights and measures, which he is by law directed to furnish to the several county sealers, shall be paid for out of the state treasury, or be supplied at the expense of the counties?

By the act to regulate weights and measures, passed March 19, 1813, it is provided that the standards of weights and measures shall be furnished to both county and town sealers, at the expense of their respective counties or towns.

It is enacted in the Revised Statutes, vol. 1, p. 609, that "copies of such original standards shall be transmitted by the state sealer to the several county sealers to be furnished by them to the town sealers in their respective counties, at the expense of the towns."

From this language the committee infer, that the legislature intended that the standards to be furnished the county sealers should

be at the expense of the counties. But whether such was their intention or not, it appears to be reasonable that inasmuch as most of the counties have been provided at their own expense, the others should be supplied in the same manner.

Had the new construction of standards of weights and measures, contemplated by the 19th chapter of the first part of the Revised Statutes, been carried into effect, it would have been necessary for all the counties to have been furnished with copies at the same time, and in that case it would perhaps have been proper and equitable that the State should bear the expense; but in 1829 it was enacted (Session Laws, 1829, p. 433,) that the standard weights and measures then in the office of the Secretary of State, should be and remain the standards until provision should be made for the construction of those contemplated in the revision. No such provision having as yet been made, the committee concur in the opinion of the Secretary of State, that the counties should, as heretofore, be supplied with the existing standards at their own expense.

Applications for copies are made under the impression that the State is to furnish them without cost, and refused, because the law makes no provision to defray the expense. It is therefore necessary that a law should be passed on the subject.

At the last session, on the suggestion of the Secretary of State, a bill was introduced in the Senate providing that county sealers should be furnished at the expense of their counties. It passed that house, but reached the Assembly too late to be acted upon. The committee have prepared a similar bill, which they have directed their chairman to ask leave to introduce.

IN ASSEMBLY,

January 13, 1831.

REPORT

Of the Committee on Grievances, on the petition of
Salmasius Bordwell and William Brayton.

Mr. Birdsall, from the committee on grievances, to whom was
referred the petition of Salmasius Bordwell and William Brayton,

REPORTED—

That the committee have examined the statements of the petitioners, as set forth in their petition, together with the affidavits and documents accompanying the same.

They have also heard the statements of Mr. Bouck, the acting canal commissioner, referred to in the petition, and have unanimously adopted the report of Mr. Granger, from the committee on grievances, to this House, at it last session, (see document No. 319,) to which they beg leave to refer.

The committee have prepared a bill, which they ask leave to present.

[A. No. 28.]

IN ASSEMBLY,

January 13, 1831.

REPORT

**Of the Select Committee on the petition of the
Supervisors of the county of Albany.**

**Mr. Gansevoort, from the select committee to which was referred
the petition of the supervisors of the county of Albany,**

REPORTED—

That the petitioners ask for the passage of a law authorising the supervisor, justices of the peace and town clerk, of the respective towns in said county, to audit the accounts of all charges payable by their respective towns, and certify the aggregate amount thereof to the board of supervisors.

The petitioners represent that the said town officers are more competent to audit such accounts than the board of supervisors, and that under the present arrangement, much of the time of the board of supervisors is consumed in auditing these accounts.

The committee are of the opinion that the passage of the law prayed for by the petitioners, would not only relieve the board of supervisors from much difficulty and unnecessary delay in the transaction of business, but insure a more correct and satisfactory disposition of the town accounts, and conduce to greater economy in the fiscal operations of the county.

The committee have therefore directed their chairman to prepare a bill, and ask leave to introduce the same.

[A. No. 30.]

IN ASSEMBLY,

January 13, 1831.

REPORT

**Of the Select Committee on the petition of the
Waterville fire company.**

Mr. Trowbridge, from the select committee to which was referred the petition of the Waterville fire company,

REPORTED—

That they have examined the claims of the petitioners, and find that by an act of the Legislature passed April 24, 1829, a company was organized under the above title ; and immediately thereupon, a sum of money was raised by voluntary subscription, sufficient for, and that an engine and all other implements necessary for such purposes was purchased, and are now in possession of said company, which has been every way organized, with the exception of a sufficient complement of men to fill up said company, and from the fact that most of those who would enlist, are now members of incorporated militia companies, and whose enlistment it has been found, would not excuse them from military duty in such companies. They therefore ask an amendment of said act of incorporation, in such a manner as to exempt those belonging to, or who may hereafter become members of said fire company, from all military duty whatsoever during such continuance.

The committee are of opinion that the prayer of the petitioners is just and ought to be granted, and therefore ask leave to bring in a bill.

IN ASSEMBLY,

January 14, 1831.

REPORT

Of the committee on State Prisons.

Mr. Livingston, from the committee on state prisons,

REPORTED :

In introducing the bill accompanying this report, the committee are actuated by a desire to provide for the immediate wants of the prison at Mount-Pleasant. The bill appropriates \$5,000 for that purpose. The funds of the prison, are at the present moment nearly exhausted, and the only dependence for further receipts, without the aid of the state, rests solely upon contracts to furnish marble. These receipts cannot be relied upon with certainty ; and in the judgment of your committee, they would be insufficient to meet the current demand for the support of the institution.

A further appropriation is contemplated during the present session, but to the end that the legislature may act understandingly upon the subject, directions have been given to the agent of the prison, to furnish a minute estimate of the probable expenditure for the ensuing year ; the manner in which the appropriation of the \$10,000 for the erection of 200 additional cells, have been expended ; what portion thereof, if any, has been applied to the purpose contemplated by the act making the appropriation, and what further sum will be required for their completion. Such a statement will enable the house to judge of the fidelity of the agents in disbursing monies appropriated for specific objects, and shew the wants of the prison for the current year.

All which is respectfully submitted.

[A. No. 32.]

IN ASSEMBLY,

January 17, 1831.

REPORT

Of the Select Committee to which was referred the petitions of several Distillers, and inhabitants of the counties of Oneida, Yates and Chenango.

Mr. Moulton, from the select committee to which was referred the petitions of several distillers, and inhabitants of the counties of Oneida, Yates and Chenango,

REPORTED—

That it appears from the several petitions, that there is a deficiency in the existing laws relative to the inspection and proof of domestic distilled spirits. The law now provides for the inspection of the strength or proof of domestic distilled spirits, but in no way points out how the casks containing the liquor shall be guaged, or the quantity they contain ascertained. The guagers are now appointed by the corporation of the city of New-York, and it is said, that in many instances the guagers are themselves purchasers, or agents of purchasers, of domestic spirits, contrary to the spirit of all our laws on the subject of inspection.

The business of inspection is now done, it is understood, by deputies ; and the fees of the office amount to nearly \$7,000 per annum, of which the inspector reserves to himself one-half, allowing the residue to the deputies. The committee believe that the fees now allowed for proving are sufficient to pay both for proving and guaging. They are of opinion that there should be a sufficient number of officers appointed in the city of New-York to attend to the inspection of spirits without the employment of deputies. And the committee, therefore, ask leave to introduce a bill providing for the amendment of the existing law on this subject.

	Brought forward,....\$	
On account of the bond of the corporation of the city of Albany,.....		75,100 00
For damages sustained by owners or occupants of lands, &c.		1,074 69
Road tax, Cedar Point, &c.		5,382 18
do Port Kent, &c. ...		35 76
Sales of lands for taxes,.....		86,684 25
Miscellaneous receipts,.....		9,014 94
		<hr/>
		\$1,993,629 11
		<hr/>

PAYMENTS.

Lieutenant-Governor, acting as Governor,.....	\$3,500 00
Chancellor,.....	2,000 00
Justices of the supreme court,	6,000 00
Justices of the circuit courts,	9,936 37
Comptroller,	2,500 00
Secretary of State,....	1,750 00
Attorney-General,.....	1,000 00
Treasurer,.....	1,500 00
Surveyor-General,.....	800 00
Deputy Comptroller,.....	1,500 00
Deputy Secretary,.....	1,500 00
Adjutant-General,	800 00
Commissary-General,	700 00
Judge Advocate General,	150 00
Private Secretary to the Governor,.....	600 00
Reporter to the supreme court,	500 00
do to the court of chancery,.....	500 00
State Librarian,	417 26
Chancellor's Clerk,....	600 00
Clerk to the court of exchequer,	625 00
Clerk hire for the Comptroller's office,....	6,926 30
do Secretary's office,	950 00
do Attorney-General's office,.....	600 00
do Treasurer's office,.....	342 50
do Adjutant-General's office,	200 00
do Surveyor-General's office,.....	550 00

Carried forward,....\$

Brought forward,....\$	
Treasurer's clerk,	800 00
Expenses Comptroller's office,.....	918 50
do Secretary's office,	285 00
do Treasurer's office,.....	67 31
do Surveyor-General's office,.....	146 91
do Attorney-General's office,	116 89
Incidental expenses of government,.....	750 00
Legislature,	71,252 70
Court of Errors,.....	10,286 10
State Prison at Mount-Pleasant,	46,123 73
Transportation of convicts,.....	10,335 51
Common schools,.....	100,000 00
Indian annuities,.....	17,966 37
Incidental expenses attending Indian affairs,.....	500 00
Sarah Doxstader, her annuity,.....	70 00
Agent of Onondaga Indians,.....	50 00
Schools in New-Stockbridge,.....	300 00
Attorney to Indians,	75 00
Regents of the University,	3,845 02
County Treasurers,.....	49,928 77
Brigade and Division inspectors,.....	4,410 00
Keepers of arsenals,	150 00
County clerks,	66 39
Gun-houses,	660 00
Courts' Martial,	999 98
Hospital in the city of New-York,.....	22,500 00
Support, &c. of deaf and dumb in New-York,.....	5,263 79
do do Central Asylum,	1,473 34
Eye infirmary, New-York,.....	1,000 00
Support of foreign poor in the city of New-York,	15,000 00
Bounties for wolves,	1,012 50
State Library,	1,064 01
Repairs of the State Hall,.....	56 46
Postage,	2,034 61
Commissary-General's department,.....	5,424 77
Adjutant-General's do	339 75
Sheriffs,	5,340 86
Counsel to assist Attorney-General, &c.	5,500 00
Carried forward,....\$	

Brought forward,.... \$	
Costs of suits,.....	1,393 29
Purchase of Indian lands,	18,845 34
Apprehension of criminals and fugitives from justice,	3,499 53
Surveys of public lands,	609 91
James Minor, his annuity,.....	30 00
Jeremiah Ryan, do	100 00
Frederick Sammons, do	100 00
Bounty on salt,	676 68
Surveys of canal routes,	3,719 80
Publishing and revising the laws,	2,962 48
Commissioners of the canal fund,.....	1,414,207 38
Canal stock purchased for acc't of common school fund	11,174 00
Loan to Broome county,.....	4,500 00
do Cattaraugus do	3,300 00
do Clinton do	9,500 00
Draining Cayuga marshes,	132 64
do Madison do	1,911 00
College of physicians and surgeons in the city of N. Y.	500 00
Orphan Asylum, in the city of New-York,.....	500 00
Discoverers of forfeited estates,.....	36 11
Sales of escheated lands,.....	446 50
Redemptions of lands, sold for taxes, and arrears of consideration money refunded to the purchasers,	7,939 29
Printing for the State,.....	13,177 99
Erroneous payments into the treasury, refunded, ...	385 05
Support of infirm slaves, &c.....	149 11
Roads,.....	13,957 98
Instalment on Mechanics' and Farmers' bank stock,	4,225 00
Miscellaneous payments,.....	18,867 96
	<hr/>
	\$1,968,528 83

Cr.

Dr. ABRAHAM KEYSER, Treasurer, in account with the State of New-York.

[A. N. 34.]

1829.		1830.	
Dec. 1.	To balance due the state,	\$44,793 56	Nov. 30. By amount of payments from 1st day of December, 1829, to this date both days included,
	Amount of receipts from this date, to the 30th November, 1830, both days included,	1,993,629 11	Balance,
		<u>\$2,038,422 67</u>	<u>\$2,038,422 67</u>

1830.		1830.	
Nov. 30.	To balance brought down,	\$69,893 84	Nov. 30. By amount of balance in the Commercial bank, in which the public monies are directed by law to be deposited,
	To amount of outstanding drafts on the Commercial bank,	1,696 88	Do. in the Manhattan bank,
	To deposits made by J. Storrs,	180 00	
	do do J. Mappa,	180 00	
	To amount of uncertified deposits made in the Manhattan bank,	591 41	
	To outstanding drafts on do.	<u>15,813 62</u>	
		<u>\$88,355 75</u>	<u>\$88,355 75</u>

A. KEYSER, Treasurer.

In pursuance of title four, of chapter eight, of the first part of the Revised Statutes, the undersigned, a committee appointed for that purpose, by a concurrent resolution of the Senate and Assembly, do certify, that we have examined the accounts and vouchers relating to the monies received into and paid out of the treasury for the year commencing on the first day of December, 1829, and ending on the last day of November, 1830, both days inclusive ; and that we find by the accounts of the Treasurer, and by the books and certificates of the Comptroller, that during the period above mentioned, the sum of one million nine hundred and ninety-three thousand six hundred and twenty-nine dollars and eleven cents, has been received by the Treasurer, and that the balance in the treasury, on the said first day of December, was sixty-nine thousand eight hundred and ninety-three dollars and eighty-four cents, as appeared by the same accounts, which together amount to two millions and thirty-eight thousand four hundred and twenty-two dollars and sixty-seven cents. That the payments out of the treasury, during the same time, as appears by the warrants and vouchers presented to us, all of which we have examined, amount to one million nine hundred and sixty-eight thousand five hundred and twenty-eight dollars and eighty-three cents ; leaving a balance in the treasury, on the said thirtieth day of November last, of sixty-nine thousand eight hundred and ninety-three dollars and eighty-four cents.

And we do further certify, that we have examined the Treasurer's bank book with the Commercial Bank, in the city of Albany, by which it appears, that on the day last mentioned, there was a balance of public monies standing to the credit of the said Treasurer, in said bank, of sixty-nine thousand six hundred and twenty-six dollars and eighty-seven cents. That we have also examined the statements signed by the cashier of the Manhattan Company in the city of New-York, by which it appears that there was, of public monies standing to the credit of the Treasurer, in the said company's book, the sum of eighteen thousand seven hundred and twenty-eight dollars and eighty-eight cents, which balances in the aggregate amount to eighty-eight thousand three hundred and fifty-five dollars and seventy-five cents, and which exceed the balance required, eighteen thousand four hundred and sixty-one dollars and ninety-one cents, arising as appears from the certificate of the Comptroller, in the following manner: First—The amount of one thousand six hundred and ninety-six dollars and eighty-eight cents from checks drawn

by the Treasurer, and unpaid on the day aforesaid. Second—The amount of five hundred and ninety-one dollars and forty-one cents, from deposits in the Manhattan Company, uncertified to the Treasurer, but appearing in the account of said company. Third—The amount of fifteen thousand eight hundred and thirteen dollars and sixty-two cents from checks drawn by the Treasurer, and unpaid on the day aforesaid. Fourth—There is also a special deposit to the credit of the Treasurer, in the Commercial Bank, of three hundred and sixty dollars, made by J. Mappa and J. Stoors, which is not yet charged to the account of the Treasurer, in the books of the Comptroller.

And we do further certify, that we have compared the warrants drawn by the Comptroller, upon the treasury, during the same time, with the several acts of the Legislature, under which they were drawn, and find them all to have been properly drawn, with the exceptions mentioned in our report to the Legislature of this date.

N. S. BENTON,

J. B. GOSMAN,

A. MANN, JUN.

Members of the Joint Committee.

January 7, 1831.

IN ASSEMBLY,

January 14, 1831.

REPORT

Of the select committee on the bill concerning the courts of common pleas and general sessions of the peace in and for the county of Columbia.

Mr. Edmonds, from the select committee, to which was referred the bill, entitled "An act to amend an act, entitled 'An act relative to the courts of common pleas and general sessions of the peace in and for the county of Columbia,' passed January 13, 1830,"

REPORTED—

That for some years past, the circuit court and court of common pleas, have been held in that county, in the month of September. This arrangement was found so inconvenient, that the act of last year was passed for the purpose of removing those courts further from each other. Since the passage of that act, the time of holding the fall circuit, has been changed to the week following that appointed for the fall term of the common pleas. Thus the old inconveniences have returned again, and the bill under consideration proposes to remedy them by changing the term of the common pleas back again to the month of September. The committee think the remedy proper, and that the bill ought to pass, and recommend that it be engrossed for a third reading.

[A. No. 35.]

100.000

100.000

IN ASSEMBLY,

January 14, 1831.

ANNUAL REPORT

**Of Nathan Roberts, an Inspector of Lumber for the
city and county of New-York.**

To the Honorable the Legislature of the State of New-York.

Agreeable to Revised Statutes, chapter 17th, title 2nd, article 6th
and 12th, I, as an inspector of lumber, beg leave to present to your
honorable body, the following return of Lumber inspected by me
from the 5th of March, 1830, to 1st Jan. 1831.

[A. No. 36.]

1

LUMBER INSPECTED.

	Inspected.	Merchandise.	Second.	Refuse.	Value per Quantity.		
Yellow pine plank and boards,	M. Feet.	53,111	21,551	141	\$20 00	To	\$28 00
White pine plank,	do.	18,841	18,903	.....	20 00	To	30 00
Oak plank and boards,	do.	154,182	76,631	12,809	15 00	To	36 50
Birdseye maple do.	do.	140	.....	370	12 00	To	25 00
Oak knees,	Inch.	1,149	.....	624	12 00	To	40 00
Spruce knees,	do.	292	.....	5	12 00	To	25 00
Ash timber,	do.	472	.....	.....	7	To	7
Yellow pine timber,	cubic feet.	12,217	.....	3,971	16	To	25 00
Live oak do.	do.	160	.....	102	25	To	50 00
Locust do.	do.	1,486	.....	373	38	To	88 00
Apple do.	do.	20	.....	24	8	To	15 00
Oak do.	do.	3,420	.....	1,235	12	To	25 00
White pine do.	do.	26,867	.....	6,400	8	To	16 00
Red cedar do.	do.	1,963	.....	1,812	15	To	35 00
White pine spars,	Inch.	1,987	.....	283	31	To	1 50
Spruce do.	Piece.	317	.....	41	1 50	To	7 00
do.	do.	15,716	.....	15,995	4	To	14 00
White pine sawed,	Inch.	58,689	.....	46,367	5 00	To	11 00
Spruce do.	M. Feet.	20,021	.....	11,067	4 00	To	9 00
Hemlock do.	do.	37,657	.....	47,043	3 00	To	6 00

Value of the above at prices current, about \$28,500.

Fees, \$596 44.

Errors excepted.

REMARKS.

Could all sides of raft timber be exposed to view when inspected, I think it would command a higher price; and that confidence established between the buyer and the seller, necessary in a market like this. The present method of inspecting timber in the water precludes all possibility of determining the quality of timber upon any correct principle.

NATHAN ROBERTS,
Inspector.

New-York, Jan. 10th, 1831.

[illegible]

1. The first is the fact that the system is not a simple one. It is a complex system, and the results of the study are not simple. The results are complex, and the system is not simple.

IN ASSEMBLY,

January 18, 1831.

MESSAGE

From the Governor, transmitting a letter of the Special Counsel, concerning the special circuit court and court of oyer and terminer, in the county of Niagara.

TO THE LEGISLATURE.

GENTLEMEN—

I have received official notice, that the special circuit court, and court of oyer and terminer, in the county of Niagara, which was adjourned over to the first Monday in January instant, has ceased. It was intended to have had that court adjourned until the second Monday in February next, when one of the justices of the supreme court would be at leisure to hold it, according to the design of the Legislature; and an arrangement had been made with Judge Marcy to that effect. The letter of the Special Counsel addressed to me, accompanied by the letter, which he received from Judge Gardner, transmitted to you herewith, will explain the causes of the failure. The motives which induced the Legislature originally to provide for a special court, still exist with unabated force, and there is now superadded to them, considerations of public interest, arising from preparations for the court which was expected to be held on the second Monday in February. The existing laws, do not, in my opinion, confer sufficient power upon the supreme court to meet the necessities of the case.

I do therefore recommend that a law be passed, reviving the provisions of the act of April 17, 1830, so far as to enable the court to

[A. No. 39.]

be held on the second Monday of February next, and to be continued by adjournment. The manifest propriety of giving time for both parties to prepare for trial, will, I trust, induce the Legislature to act in this matter without delay.

E. T. THROOP.

Albany, January 18, 1831.

Communication of the Special Counsel.

Pompey, January 14, 1831.

DEAR SIR—

I enclose herewith three letters from Judge Gardner, being all that I have received from him. There seems to have been some misunderstanding between us which I very much regret. It seems that he had got the impression that the adjourned circuit was fixed for the first Monday of January; which impression was probably the cause of his leaving home so as not to have received the communications I addressed to him from Albany, the moment I had obtained Judge Marcy's consent to hold the circuit, and in season to have reached him at Rochester in time to have gone out and adjourned the court. From his last letter, I suppose it certain, that the court will not have been adjourned over, and of course must fail, unless we take one of two courses. Either procure an order of the Chief Justice, under the stat. 2 Revised laws, p. 204, sec. 24, or a special act, appointing a circuit for the second Monday of February. The objections to the former course, which have occurred to me in the short time that I have had to reflect on the subject, are these—A question may possibly arise, whether the section referred to is intended to provide for the failure of such a special court as this; a question which would arise after trial. And the question would be, whether the court, held under such appointment of the Chief Justice, would have power to adjourn, should imperious circumstances render it indispensable. I don't know that there can be a serious doubt on these questions, but an apprehension of either as a possible consequence, would render it advisable to pursue a safe course if practicable. Upon the whole, I submit to your consideration the proper course to be observed. Should you incline to an appointment by the Chief Justice, I would wish it made promptly and for the second Monday of February. But perhaps it would not be prudent to take this course, unless upon due advisement, it should be thought safe. It might be prudent to have the opinion of the Attorney-General on this subject. Should you incline to the course of obtaining a special act, I would then wish your Excellency to refer the matter to the Legislature in a manner to command their prompt attention.

Mr. Gardner's last letter mentions one circumstance before unknown to me, as to the objections to his trying the indictments in Monroe, namely—that he was district-attorney on one or both of these cases. So that the necessity of obtaining another judge for that circuit, would seem to be indispensable.

Very respectfully, I am sir,

Your Excellency's ob't ser'vt.

VICTORY BIRDSEYE,
Special Counsel.

His Ex. ENOS T. THROOP.

Letter from Judge Gardner to the Special Counsel.

Manlius, 11 January, 1831.

DEAR SIR—

I have this moment finished the perusal of your report. You remark that you expect me to adjourn the Niagara circuit. I regret extremely that there should have been any misunderstanding on this subject. When you wrote me upon the subject of Judge Moseley's holding the circuit, and requesting me to adjourn it to some day to be fixed by Judge Moseley and yourself, I replied that I would attend for that purpose, and requested you to inform me by letter, by an early day, of the time agreed upon, as I contemplated a journey to the east. I had the impression, which has continued until I saw your report, that Judge Marcy adjourned the circuit until the *first* Monday of January. I remained at Rochester until the first day of January, and receiving no communication from you, I supposed that some arrangement had been made, by which the circuit was to be held at the time to which it then stood adjourned. My own misapprehension as to the time, and no reply having been received to my letter, are the causes of this unpleasant mistake. I regret its occurrence the more as it may delay you in the discharge of duties already sufficiently embarrassing.

A special act of the legislature may of course be procured fixing the circuit in February. And perhaps this may be the only inconvenience resulting from this error.

I observe your report is dated at Albany. I have thought it probable that you might have been there when I wrote you, and directed my letter to you at Pompey.

In relation to the Monroe circuit, should you be able to procure the attendance of a judge, it would not be necessary that he should reach Rochester until late in the second week, when your causes could proceed without interruption. You are aware that I was district attorney when the bills were found in that county, and my name is attached to one, if not both of them, in that character. There would be an obvious impropriety in my presiding at such trial, independent of the considerations I suggested to you in my former letter.

Yours, very respectfully,

A. GARDNER.

VICTORY BIRDSEYE, Esq.

IN ASSEMBLY,

January 17, 1831.

REPORT

Of the Select Committee on the memorial of the Common Council of the city of New-York, in relation to the office of collector in said city.

Mr. Livingston, from the select committee to which was referred the memorial of the common council of the city of New-York, relative to a law authorising the appointment of collectors in said city,

REPORTED—

The collector of taxes for the 13th ward of said city, immediately after his election, entered upon the discharge of his duties ; but by reason of severe indisposition, soon became disabled from proceeding therewith. No hope is entertained of his speedy recovery ; and it has been deemed necessary by the corporation of the city, to appoint another person in his place, to act as collector of the ward, and complete the duties of such office for the remainder of the year. The Revised Statutes, (vol. 1, 399,) provide for the appointment of a new collector under such circumstances, by the supervisor and two justices of the town or ward ; but there being no two justices belonging to the 13th ward, or to any ward in the city of New-York, doubts are entertained of the sufficiency of the law to meet the present or any similar case occurring in that city. These doubts are strengthened from the fact, that authority is given to the corporation of the city of Albany to appoint a collector whenever a case similar to the one in New-York may happen. See R. Stat. vol. 1, 421.

The committee therefore deem it expedient that a law should be passed, conferring upon the corporation of the city of New-York, powers similar to those conceded to the corporation of the city of Albany, relative to the appointment of collectors. A bill has been prepared, and leave is asked to introduce the same.

[A. No. 40.]

IN ASSEMBLY,

January 19, 1831.

REPORT

Of the Committee on the Judiciary, on the petition of inhabitants of the city of New-York, relative to the office of vice-chancellor in said city.

The committee on the judiciary, to which was referred the petition of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the appointment of a vice-chancellor to reside in the city of New-York,

REPORTED—

That by reference to the Journals of the Assembly, it will be seen, that the subject of the appointment of a vice-chancellor to reside in the city of New-York, and whose official duties should be confined exclusively to the court of chancery, was agitated in the Legislature of 1829. Among the documents accompanying the special message of the Governor of March 2d of that year, same Journals, p. 585, there will be found a strong opinion of the chancellor in favor of the measure. In the same Journals, p. 731, there will also be found the report of the judiciary committee upon the subject, which portrays at length the inconveniences and evils suffered, and sets forth the necessity and propriety of legislative relief in the manner proposed, as prayed for by the petitioners. To this report, and the document above mentioned, the committee beg leave to refer.

It is the opinion of the committee, that the interests of suitors in the court of chancery, the interest of the public, and the due administration of justice, require the passage of a law appointing a vice-chancellor for the first circuit. This opinion is fully confirmed by

the communication of the chancellor on the subject, herewith submitted, and which is in answer to a note addressed to him by the committee. A bill has accordingly been prepared, and leave is now asked to introduce the same.

All which is respectfully submitted.

P. ROBINSON, Ch'n.

IN ASSEMBLY,

January 15, 1831.

ANNUAL REPORT

Of William P. Lansing, an Inspector of Lumber, for
the town of Watervliet, county of Albany.

To the Honorable the Legislature, of the State of New-York.

Amount of lumber measured and inspected in the town of Watervliet, county of Albany, during the year 1830.

Of first quality,.....	3,587 feet.
" second "	16,245 "
" third "	124,936 "
" fourth "	175,232 "
	<hr/>
	320,000

Amount of Fees,..... \$120 00

WILLIAM P. LANSING,

Inspector.

Watervliet, Jan. 1, 1831.

[A. No. 42.]

IN ASSEMBLY,

January 18, 1831.

REPORT

Of the Committee on Colleges, Academies and Common Schools, on the act concerning district school-houses.

Mr. Morehouse, from the committee on colleges, academies and common schools, to which was referred "An act concerning district school-houses,"

REPORTED—

That they have examined the said act and the provision of the statute intended to be thereby abrogated. They believe the powers conferred by law upon the inhabitants of school districts to designate a site for their school-house, and to lay such tax as shall be sufficient for the purpose of erection thereof, are, ordinarily, the most important and exciting, which they as an assembled body may exercise. That nothing can add so much to the impressiveness of that importance, nor more essentially contribute to a just and intelligent decision, than the consideration, that their determination is immutable. The committee believe that it would seldom happen, under the existing law, that the site of a school-house, deliberately fixed, would require to be changed, while the district remained unaltered: and they think they have just cause to apprehend that the care and deliberation which would now distinguish the termination of differences of opinion where they existed upon that subject, might cease to be characteristic, if no obstacles were interposed to change. The act in question furnishes substantially neither stop nor impediment to alteration. The consent of a majority of the school commissioners of the town, cannot reasonably be deemed a hindrance. Applica-

tions for such consent may be made to them individually ; they would in all cases be ex parte, and in most instances granted as a matter of course ; if in anticipation of a district meeting, from confidence in the wisdom of their fellow-citizens, and if in confirmation of a vote already taken, from deference to the judgment of the majority.

The committee believe that the qualified inhibition contained in the law as it now stands, as a general rule, is wise and salutary ; but that cases may exist or hereafter occur, in which a rigid adherence to it would produce great and manifest inconvenience ; and that it is practicable to provide for such cases, without sacrificing the principle of the section to be repealed : and to that end the committee would suggest for the consideration of the House, the following amendment, to be inserted at the conclusion of the first section of the act referred to them and herewith presented :

“ And the assent, by vote of two-thirds of the inhabitants of such district, qualified to vote therein at district meetings.”

IN ASSEMBLY,

January 18, 1831.

REPORT

Of the Committee on the Judiciary, on the bill entitled "An act authorising the appointment of a supreme court commissioner to reside in the village of Cortland, in the county of Cortland."

Mr. Robinson, from the committee on the Judiciary, to which was referred the bill entitled "An act authorising the appointment of a supreme court commissioner to reside in the village of Cortland, in the county of Cortland,

REPORTED—

That the bill, as its title imports, provides for the appointment of a supreme court commissioner to reside in the county of Cortland.

The necessity and propriety of the passage of the bill referred to the committee, will be found in the fact, that no one of the judges of the court of common pleas of that county, is of the degree of counsellor in the supreme court; and that no supreme court commissioner resides therein, and no person authorised to perform the duties of a justice of the supreme court at chambers, resides therein, or within thirty miles of the county town of the county.

[A. No. 44.]

IN ASSEMBLY,

January 18, 1831.

REPORT

Of the Select Committee on the petition of the Supervisors of the county of Erie.

Mr. Fillmore, from the select committee to whom was referred the petition of the supervisors of the county of Erie,

REPORTED :

That they have had said petition under consideration ; and it appears from the facts stated in said petition, the truth of which the committee have no reason to doubt, that the jail in said county was erected at an early period, and is now much too small to answer the purposes for which it was erected. That its internal arrangements are bad, and cannot be remedied without entirely re-building it ; and that its location is not convenient. They therefore pray for the passage of a law authorising them to sell and convey the same, together with the lot on which said jail is situated, and apply the proceeds towards the erection of a new jail, to be erected on the lot upon which the court-house stands in said county, in rear of the same , and also for authority to raise by tax such further sum as may be necessary, not exceeding three thousand dollars, to build and complete such jail.

Believing that it would be for the interest of said county to build such new jail, instead of attempting to repair the old one, and that a new jail is necessary, the committee have come to the unanimous conclusion that the prayer of said petitioners is reasonable, and ought to be granted, and have directed their chairman to report a bill accordingly, and ask leave to introduce the same.

IN ASSEMBLY,

January 21, 1831.

REPORT

Of the Comptroller, on the Petition of John H. Johnson.

STATE OF NEW-YORK, }
COMPTROLLER'S OFFICE. }

The Comptroller, to whom has been referred by the Honorable the Assembly, the petition of John H. Johnson,

RESPECTFULLY REPORTS :

That lot number seventy-five, in the township of Hannibal, Oswego county, consisting of six hundred acres of land, was returned to this office charged with the taxes of the years 1817 to 1821, both inclusive; that the lot was advertised to be sold at the tax sale which took place in March and April, 1826, for the taxes so charged upon it, and that ninety acres in the north-west corner thereof, were sold, on the 19th day of April, 1826, to Harvey Baldwin, for the sum of \$170.08, that being the amount of the said taxes, and interest thereon, and of the charges of advertisement and sale.

That sale closed on the 27th day of April, and the law allowed two years from the close of the sale, to make redemption of the lands sold, which two years expired on the 27th day of April, 1828.

On the 26th day of April, 1828, as appears by the paper annexed to the petition, the customary certificate was made, in this office, of the amount necessary to be paid into the treasury of the state, in order to redeem the ninety acres, sold from this lot. The course necessarily pursued in these cases, is to make out the certificate and deliver it to the person calling for it, that he may take it to the

[A. No. 46.]

treasury, and make his payment. This is invariably done without giving to the certificate, the necessary signature of the Comptroller, or his deputy, so that the person may be sure to return it to this office, and so that the certificate may not get out of the office until it is duly entered at length, in the tax diary, which entry only can authorise the posting of the payment to the proper lot. The receipt of the Treasurer is also to be countersigned by the Comptroller or his deputy, before it is evidence of payment, (See chap. 8, title 3, sec. 4, of the first part of the Revised Statutes.) This also makes it necessary that the certificate, with the Treasurer's receipt thereon, should be returned to this office. When that is done, the charges in the certificate, with the description of the lot or lots, against which they are made, are copied in the tax diary, and are carefully examined to see that the castings and additions are correct, and that the copy made in the book, exactly corresponds with the certificate, which being completed, the certificate is signed, and the receipt of the Treasurer, for the money, is duly countersigned.

In this shape the voucher is delivered to the person making the payment, and from that period, the state may be considered properly, responsible for the application of the money, according to the direction, as shown by the bill and receipt.

This certificate, as appears from its face, (it not being signed, or the receipt of the Treasurer countersigned,) as well as from the books of this office, was never returned here, after the payment of the money to the Treasurer; but the person making the payment, not probably aware of the necessity of the entry of the payment, or of the countersigning of the receipt, must have paid the money for the bill, and taken the certificate and receipt, in the state they now are, away with him. The consequence of this neglect on his part was, that no account of his payment would appear upon the books of this office, unless it should be entered from the Treasurer's day book, upon the comparison which takes place, at the close of each month, between the books of the respective officers, and in that case, the entry would not show upon what lands the payment should be applied, as the Treasurer merely enters the name of the payer, the date, and amount of the payment, and the account for which it is paid, but keeps no note of the particular lands upon which any payment is to apply.

It is found from examining the Treasurer's book, that this sum of \$304.10 was paid into the treasury, on the 26th April, 1828, by

E. F. Willey, on account of redemptions of lands sold for taxes, as his receipt accompanying the petition purports. It is also found upon examining the books of this office, that no entry of this payment was made here, and consequently that the payment was not posted to this lot upon the tax sales book.

It further appears, that on the 27th November, 1829, the purchaser of this land at the tax sale, called for and received a deed for the ninety acres sold to him, the same not appearing from the books to have been redeemed.

The consequence is, that the money paid into the treasury by Willey, on the 26th April, 1828, to redeem this land, now remains in the treasury, and equitably belongs to him or his assigns, as the power to apply it to the object to which it was intended to be applied at the time of the payment, has ceased by reason of the conveyance of the land to the purchaser, as has also all claim of the purchaser to this money, by his acceptance of the deed for the land.

No reason is seen therefore, why a law should not be passed, directing the payment of this money to the person who shall appear to the legislature to be entitled to it. The claim of interest however, set up in the petition, is considered very questionable. The neglect to have the payment duly entered in this office, was wholly the fault of the person making the payment, as he carried away with him and did not present at this office, the only evidence upon which the credit for the payment could have been carried to the lot, and thus have prevented the conveyance of the part sold to the purchaser, at the tax sale. Had the certificate and Treasurer's receipt been presented here, at any time before the conveyance, it probably would have answered the purpose, and the conveyance was not made until a year and a half after the payment.

Again, it is not pretended that the certificate and receipt were presented at the treasury, and the request made to have the money refunded, until November last, a year after the land was conveyed. It is not believed that the petitioner should demand interest from the state, for money paid into the treasury correctly, but which failed to be applied, by his own neglect, to comply with the provisions of a positive statute, and especially when he has, by his own delay, caused the lapse of time for which interest is demanded.

Respectfully submitted.

SILAS WRIGHT, JR.

Dated Albany, January 21, 1831.

Comptroller.

IN ASSEMBLY,

January 18, 1831.

ANNUAL REPORT

Of Sylvanus Russell, Inspector of Beef & Pork and
Staves & Heading for Erie county, 1830.

To the Honorable the Legislature of the State of New-York.

The following is an account of the pork and staves inspected by
the subscriber in 1830.

PORK.

July—Pork inspected for N. Rossiter,

9 bbls. mess pork.

6 do. prime pork.

STAVES.

March—Pratt, Sears & Co. 32-2-1-10 Prime staves.

Sept. Meech, Jackson & Co. 20-6-3-00 do.

John Scott, 11-7-3-15 do.

65-6-1-25 Total.

SYLVANUS RUSSELL,

Inspector.

Buffalo, January 12, 1831.

IN ASSEMBLY,

January 19, 1831.

REPORT

Of the committee on canals and internal improvements on the petition of Dorastus H. Alden.

Mr. Edmonds, from the committee on canals and internal improvements, to whom was referred the petition of Dorastus H. Alden, praying for a law authorising the appraisers of damages on the Champlain canal, to allow him compensation for certain services and claims therein mentioned,

REPORTED—

That the petitioner represents he is the owner of certain lands in the valley of Wood Creek, in the county of Washington, which border on and run into the Kingsbury swamp; that that swamp is drained by Wood Creek, which takes its rise in that valley, and is here a sluggish stream, and that the waters in the swamp were increased by the leakage of the canal and a waste-weir about a mile below the petitioner's land, and the petitioner alleges that those waters were still farther increased in the valley, in consequence of the sediment deposited by the waste-weir and of trees, which were destroyed by the increased water, and which fell across and choked up the stream.

He further alleges, that in order to guard against the leakage, it was necessary to dig a ditch along the bank of the canal, and from thence to the bed of Wood Creek; and that in order to remove the obstructions caused by the waste-weir, it was necessary to dig a ditch along the bed of the creek, about 165 chains.

[A. No. 48.]

The petitioner denies that the canal enhanced the value of his lands, but he admits that he has received \$900, which was awarded to him for damage to his lands, arising from the construction of the canal: he admits that the leakage is entirely guarded against by a ditch dug by himself, at the expense of the state, for which he received \$255. He admits that he dug the other ditch, without any directions to do so, either from the canal board or the commissioners; that the expense thereof was in part defrayed by contributions from the owners of adjacent lands, and that his lands have increased thereby four fold in value, still the petitioner insists that inasmuch as he has expended a large sum in effecting this improvement, the state ought to remunerate him.

In support of this claim, he avers that he did suppose that the commissioners intended to make this same improvement, and that the waste-weir had caused the obstructions which rendered the improvement more difficult, if not more necessary.

How far forth, the injury from the leakage and the waste-wier, entered into the estimate of the appraisers, in determining the damages of the petitioner, your committee are not prepared to say. There is certainly no evidence before them, that it was not taken into consideration. And if they are free to indulge in surmises, they would presume that so large an appraisalment was intended to cover an injury so inevitable, more especially after an interval of five years had elapsed between the filling of the canal and the appraisalment, during which period, such an injury would be supposed to manifest itself, if ever.

It appears to your committee, that no efforts have been wanting on the part of the canal commissioners, to remove the injury complained of. When the leakage was said to be the source of the difficulty, they promptly directed measures which removed that evil.— When the waste-weir was complained of, it was entirely closed up, and the water is now discharged from the canal, at a greater distance from the petitioner's land, where its escape is more free and rapid.

So far from the petitioner's having any just ground for his belief that the state would be at the expense of the ditch, he had every reason for a contrary opinion. It is true, the acting commissioner did at one time direct the opening of this ditch, but he gave no such directions to the petitioner. And long before the petitioner commen-

ced his labors, he was distinctly informed that the commissioner had changed his views, and would remedy the evil by closing that waste-weir entirely.

It may be true, that the petitioner's task was increased by the deposits of the waste-weir, yet your committee are very much inclined to view the addition of two feet of earth to a swamp, almost constantly covered with water, as a benefit received, rather than an injury sustained.

The claim of the petitioner then rests within a very small compass. Without any authority from the state, but with the aid of his neighbors, he has, for his own convenience, opened a ditch, which has greatly increased the value of his own property. For this, your committee think he can have no claim on the state. They therefore recommend the adoption of the following resolution.

Resolved, That the prayer of the petition ought not to be granted, and that the petitioner have leave to withdraw his petition.

IN ASSEMBLY,

January 22, 1831.

REPORT

Of the Comptroller, on the petition of the Supervisor of the town of Salem in the county of Washington.

STATE OF NEW-YORK, }
COMPTROLLER'S OFFICE. }

The Comptroller, to whom has been referred, by the honorable the Assembly, the petition of the supervisor of the town of Salem in the county of Washington, praying that the county treasurer of the said county of Washington may be credited for certain compound interest charged against him in this office,

RESPECTFULLY REPORTS:

That it appears, from an examination of the records in the office of the clerk of the supreme court in Albany, that in August term of the supreme court, 1820, a judgment was entered in that court, in favor of John Crary, supervisor of the town of Salem, plaintiff, against David Russel, defendant, upon a bond against the said David Russel, as the surety of the collector of the said town, for the sum of \$714.04 of debt, besides the costs of suit; that by an act of the Legislature, entitled "An act for the relief of David Russel," passed March 15, 1822, the Comptroller was directed to suspend collection from the county treasurer of the county of Washington, of the amount due from the said David Russel upon the judgment entered upon the said bond, until the first day of February, 1825; and by the second section of the act, the treasurer of the county of Washington was directed to suspend, until the same date, the collecting of the money due from Mr. Russel, provided Mr. Russel should, on or before the first day of February next af-

ter the passing of the act, pay into the treasury of the State, all the interest then due upon the debt against him, and should also yearly thereafter pay the interest to become due, until the whole principal should be fully paid.

The effect of this act was necessarily to suspend the collection of this demand for one year, whether Mr. Russel should finally comply with the condition of the act or not; though the Comptroller has no means of knowing in what situation the matter then was, or what was the prospect of immediate collection, other than from the allegations made in the petition.

The books of this office show that Mr. Russel paid, upon the said debt, on the 31st day of January, 1823, the sum of \$59.57; and that payment was the only one ever made by him, upon this account, into the treasury of the State.

The affidavit of Mr. Crary, annexed to the petition, shows that, from the time of the passage of the act of 1822, the attorneys in the suit against Russel have acted under the direction of the Comptroller, and not as the agents of the town of Salem, or of the county of Washington. He swears that they have, from that period, assumed the ground that the law of 1822 had released the town and county from liability, and had made the debt a debt of the State, and for the collection of which, it, and not the county, was responsible.

The facts in relation to this part of the affidavit, the Comptroller knows nothing of, any further than they are exhibited in that paper.

An examination of the account of the treasurer of the county of Washington, kept in this office, from the year 1823 to 1830, both inclusive, shows that the smallest balance at any time standing against the treasurer, during that period, has been \$2,144.54; and it will be seen from the law of 1822, that the amount due upon the judgment against Russel has, during the whole time, constituted so much of that balance. The accounts of the county treasurer are balanced upon the books of this office, every year, and as soon as the non-resident taxes of the preceding year, which do not reach here until February and March, can be examined, and transcribed into the proper book. This is usually done in May or June; and when the accounts of the year are thus closed, interest at the rate of seven per cent for the year is cast, upon any balance appearing

to be due, and charged to the treasurer, and forms a part of the balance carried down to the account of the subsequent year. This course of keeping these accounts is pursued from year to year, when any balance remains unpaid against a county treasurer; and the necessary consequence of the practice is, that any given sum, remaining unpaid, and constituting for a series of years, a fixed item in the balance standing against a county, is made to pay compound interest.

This is understood to be the matter of complaint in this petition. The petitioner assumes that this part of the balance against his county, and for which the county holds his town responsible, has been suffered to remain uncollected, from 1822 to this time, in consequence of the interference of the Legislature, by the act of the 15th March of that year, directing a suspension of the collection, for the benefit of the debtor. The debt has now been collected; but the petitioner alleges, what by the statutes of the State must be true, that they have only been allowed to collect simple interest upon the original sum, while, in consequence of the delay, the county has been charged compound interest upon the same money, as a part of the unpaid balance standing upon the books of this office against their treasurer.

That the manner of keeping the accounts of county treasurers, as before described, has had the effect of charging compound interest upon this fixed item of the balance annually standing against the treasurer of the county of Washington, must be true; but whether the interference of the Legislature, in the passage of the act of 1822, should charge the delay of collection, from that date to the present time, upon the State, or whether the county of Washington should be held accountable for that delay, or any part of it, is a question upon which the Comptroller does not feel himself called to express an opinion. The facts, so far as they exist within his knowledge, are given, and the conclusion to be drawn from them is strictly a matter for the decision of the Legislature, and of that body only.

Respectfully submitted.

SILAS WRIGHT, JR.

Dated Albany, January 22, 1831.

IN ASSEMBLY,

January 24, 1831.

REPORT

Of the select committee on the petition of inhabitants of the city of New-York, in relation to retail auctions in said city.

The select committee to whom was referred the petition of sundry inhabitants of the city of New-York, for a law to prevent frauds and abuses arising from sales at retail auctions in said city,

REPORTED—

The petitioners allege that the manner in which retail auctions are conducted in the city of New-York, tends to injure the fair and regular dealer—degrade the morals of the people, and defraud the State of its revenue. That it encourages the importation of articles from other states, composed of materials of an inferior quality—work of the most deceptive kind, and made expressly for sale at auction. That it injures the legitimate employment and business of the mechanic of the city; depresses trade, and reduces the value of real property: and that tricks are resorted to at these sales for the purpose of decoying bidders, which have become so notorious, as to satisfy every person who will examine the subject, that many of the auctioneers allow them to be constantly practised.

A remedy for these evils is prayed for; and the petitioners indulge in the hope that their request will be granted.

On examining the grounds for the application thus made, your committee were enabled to ascertain, that this subject has for several years been a source of complaint; and that those who have here-

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tofore investigated it, confirm the representations here made by the petitioners.

In a communication made to the Legislature in pursuance of a resolution calling on the Comptroller for information relative to auctions and auctioneers, he says, "in consequence of repeated complaints made to me of the violation or abuse of the auction law in the city of New-York, I conceived it my duty to give the subject an examination; and I regret to say, the examination proves these complaints were but too well founded."

In a report of a select committee made to the Assembly last year, on a petition of about seven thousand inhabitants of the city of New-York, we find the following emphatic language :

"Your committee have had under consideration the several memorials referred to them, and fully agree with the petitioners, that the evil complained of is one of great and increasing magnitude, and calls loudly for legislative correction. That the mischiefs complained of, are not caused by that class of auctions from which the State derives a revenue, but by such as, by your laws are exempt from duty, or through fraud, evade its payment."

From every source of information to which this committee have been able to resort, it appears that the evil complained of does exist, and that our predecessors and others have been and are of opinion that a remedy is in the power of the legislature. The great difficulty which has heretofore existed, and the only reason why a remedy has not been applied, is to be found in the fact, that a remedy, such as the legislature were satisfied was proper, has not been offered. The committee flatter themselves, that they have removed this difficulty. The bill which is now offered to this house, will remedy the evil complained of—preserve the revenue unimpaired—the constitution from violation, and the rights of the citizen from encroachment. They ask leave to introduce the same.

IN ASSEMBLY,

January 20, 1831.

REPORT

Of the select committee on the subject of the abduction of William Morgan, in relation to the special circuit court for the county of Niagara.

Mr. Otis, from the select committee on so much of the Governor's message as relates to the abduction of William Morgan, and to whom was referred the message of the Governor of the 18th of January instant, with the accompanying papers,

REPORTED—

That from an examination of the message and papers submitted to the committee, it appears that from an accidental misunderstanding between the special counsel and the circuit judge of the eighth circuit, the special circuit court directed to be held in the county of Niagara, by an act of the Legislature, passed April 17th, 1830, has ceased.

It also appears that there are several indictments in that county yet untried ; and that the objects of the law of the 17th of April last, cannot be accomplished without a renewal of the principal provisions of that act.

The committee have therefore directed their chairman to prepare a bill accordingly, and ask leave to introduce the same.

[A. No. 54.]

IN ASSEMBLY,

January 20, 1831.

ANNUAL REPORT

Of Nathaniel Wilson, Inspector of Beef and Pork
for the county of Greene, for the year 1830.

To the Honorable the Legislature of the State of New-York.

The subscriber, an inspector of beef and pork, has inspected during
the year 1830, the following viz :

3,357	barrels	prime	beef.	
503	"	mess	"	
124	"	cargo	"	
53	half	barrels	mess	beef.
4	barrels	prime	pork.	
1	"	mess	"	
Fees on the above,				\$603 80
Expenses or charges,				200 93
Nett receipts,				<hr/> \$402 87

N. WILSON.

HON. GEORGE R. DAVIS,
Speaker of the House of Assembly.

Catskill, January 17, 1831.

[A. No. 56.]

IN ASSEMBLY,

January 20, 1831.

ANNUAL REPORT

Of James Radliff, Inspector of Staves and Heading
for the city of Albany.

To the Honorable the Legislature of the State of New-York.

James Radliff, inspector-general of staves and heading in the city
of Albany.

RESPECTFULLY REPORTS :

That he has inspected, during the year one thousand eight hundred and thirty, viz :—

Prime pipe staves,	434,351
“ hhd. “	437,321
“ bbl. “	342,291
“ hhd. heading,	18,271
Pipe cullings,	179,397
hhd “	214,267
bbl. “	228,361
hhd. heading cullings,	7,602

Fees of the inspector-general on the whole, at 10 cents per thousand, amounts to one hundred and eight-five dollars and forty-four cents. All of which is respectfully submitted.

JAMES RADLIFF.

Inspector-General.

Dated Albany, January 6, 1831.

[A. No. 57.]

IN ASSEMBLY,

January 20, 1831.

REPORT

Of the select committee on the petition of Thomas Bristow and Lydia his wife, and William R. Bristow.

Mr. Cargill, from the select committee, to whom was referred the petition of Thomas Bristow and Lydia his wife, and William R. Bristow, praying for the passage of a law vesting in them the right and interest of the state in and to a certain lot of land in the village of Brooklyn, county of Kings, and in and to a certain tract of land situate in the town of Western, and county of Oneida, of 150½ acres,

REPORTED—

That they have had the same under consideration, and in which said petitioners state, that William Vernon, late of the city of New-York, deceased, was a naturalized citizen of the United States, and died seised of a certain lot of land, situate in the village of Brooklyn, on Long-Island, at the north-west corner of High and Adams-streets, being about sixty-eight feet eleven inches on the easterly and westerly sides, and about sixty-five feet and eleven inches on the northerly and southerly sides; and also of a certain tract of land situate in the town of Western and county of Oneida, formerly belonging to Robert Brown, known as lot No. 4, containing 150½ acres, or thereabouts: That at the time of the decease of said William Vernon, he had no heirs who were capable of holding lands within this state, they being incapacitated by reason of alienage: That said William Vernon repeatedly expressed his wish that his property should, after his wife's death, go to said Lydia Bristow, a sister of said Wm. Vernon: That said William Vernon, on the 20th April, 1812, made his will, giving all his estate, real and personal, to his wife, Eliza-

beth Vernon, who was an alien : That the said Elizabeth Vernon continued in the possession of the premises until her death, her said husband having died about January 1817 : That said Elizabeth Vernon, on the 19th May last, made a certain power of attorney, whereby she empowered Richard Pennell, of the city of New-York, physician, to sell said premises and pay the proceeds thereof to said William R. Bristow : That said Elizabeth Vernon died in June last, before said Richard Pennell had done any act under said power, and that he has declined acting under said power, by reason of the alienage of the said Elizabeth Vernon : That the said William R. Bristow is a naturalized citizen of the United States, and that said Thomas Bristow and Lydia Bristow, wife of said Thomas, have duly declared their intentions of becoming such citizens, which they did in September last, and closing said petition with a request that an act may be passed granting and releasing to the said Lydia Bristow, or to said William R. Bristow, all the right and interest which the people of this state may have acquired in said premises, by reason of the alienage of the heirs at law of said William Vernon, or of the said Elizabeth Vernon and her heirs.

The committee are fully satisfied as to the truth of the facts so set forth in said petition, and are of opinion that the prayer of the petitioners ought to be granted, and have therefore prepared a bill and directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

January 25, 1831.

REPORT

Of the Bank Commissioners.

**TO THE HONOURABLE THE LEGISLATURE OF THE
STATE OF NEW-YORK.**

The Bank Commissioners, pursuant to the requirement of the
“ Act to create a fund for the benefit of the creditors of certain mor-
tised corporations, and for other purposes,”

RESPECTFULLY REPORT :

That during the past year, they have performed the duties imposed upon them by law, in relation to the visitation and examination of the affairs of the several banking institutions subject to such visitation, and have received from the officers of those institutions, every desirable facility in the execution of those duties.

The promptness and cheerfulness with which those facilities have been uniformly afforded, have been highly gratifying to us, as it is now to make the acknowledgment due for them.

Our practice at these examinations has been to take a general statement of the affairs of the bank, verified by the oath of its officers, and by a further particular examination of the books, papers, money, &c. to satisfy ourselves of the accuracy of such statements.

As the solvency of a bank employing its capital in loans and discounts, always depends upon the safety of its debts, these have been the subject of frequent and particular examination. And although it cannot be expected that we should know the standing of most of
[A. No. 59.]

the persons with whose names we meet, yet few large amounts are found against individuals of whom we have not some knowledge or information.

Of the general character of the debts, we judge from their magnitude—from their character as business or accommodation paper—from the number and distribution of indorsers—from the time they have been standing or continued by renewals—from the business or other connection of the parties with the principal officers or managers of the bank—and from the relation between the bank and those having the management of its concerns, as affording more or less security for a vigilant and faithful administration.

These and other circumstances, which will appear upon examination, with the information of the officers upon oath, and with what limited knowledge or information we may happen to possess of the pecuniary situation of individuals increasing as it will be by these examinations and other means, we apprehend will enable us ordinarily to form an opinion of the general character of the debts of the institutions subject to our visitations, sufficiently accurate to protect the fund, as well as the public, against losses arising from that source.

Banks in the country, having their capital actually paid in, it is believed, will very rarely have a sufficiency of paper which can be affected by a sudden commercial embarrassment or individual misfortune, to such an extent as to jeopardize their eventual solvency, although temporary embarrassment may often result from such causes.

But a series of such losses—consequent sacrifices to sustain credit—and a continuance of dividends to cover embarrassments and prevent a depreciation of their stocks in the market, are the more probable causes of failure. Against these, however, under the present law, we think there will be no great difficulty in guarding.

The prohibition against making dividends while the capital is impaired to any extent, is admirably calculated to prevent a lingering disease of this description, and personal examinations are perhaps the only mode of enforcing the prohibition. It is valuable also to the stockholders as affording them the assurance that while dividends are continued, their capital is entire, and that they are not receiving back their principal under the name of profits.

Since the first of February last, all the new banks which were incorporated at the two last sessions of the legislature, except those in the city of New-York, and one in the county of Washington, have gone into operation under favorable auspices. Their aggregate capital amounts to \$2,150,000, which has been paid in, agreeably to law. Before certifying to that fact and suffering them to commence operations, we have adopted the mode of satisfying ourselves by actual examination, in addition to the affidavits of the officers ; and in cases which seemed to require it, have extended our inquiries so as to ascertain from what sources, and under what circumstances, the more considerable amounts of capital have been obtained.

It is believed that in every instance the conditions of the charter have been complied with, and that the nominal has also been a real increase of permanent bank capital.

There are now in operation, in the state, besides the three branches of the United States Bank, forty-nine banks. Their aggregate capital, as will be seen by the statement hereto annexed, amounts to \$21,323,460. Twenty-nine of these institutions (and those first named on the list) two of which have branches, are subject to the inspection of the commissioners. Their aggregate capital on the first of January, was \$6,294,600.

We report them all to be in a safe condition, and all of them have contributed to the bank fund the amount required by law.*

It seems to be the policy of the law under which we act, to have our examinations and the information acquired by them of a strictly confidential character, and we have not felt ourselves at liberty to contravene that policy even in cases where the communication of a fact relating to an institution would assist our investigations, or lead to desirable information.

With reference to the spirit of the law in this particular, we have had some doubt in determining what particulars it would be our duty to communicate to the Legislature under that provision, which requires us to give such abstracts from the reports made to us as we might deem useful. The reports made to us on the first instant, would enable us to give the situation of the institutions with much accuracy and particularity ; but we have not thought that the infor-

* The Greenwich Bank in New-York has also gone into operation, but quite lately. It is not included in the above enumeration, nor in any of our statements.

mation would be particularly useful to the Legislature, and its publicity might be the cause of affecting the comparative reputation of some injuriously. At least it would seem to be giving an advantage to those which are not required to report. We have therefore given an aggregate statement of the banks required to report to us, and a statement of the circulation, and some other particulars of each one.

In the execution of our duties we have found but one institution whose operations we have thought it our duty to interfere with, by an application to the court of chancery. In that instance the effect of the restraint was to produce a material change in its affairs; upon completing which, it was permitted by the court to resume business, and is now believed to be in a safe condition.

The funds which all the institutions find it necessary to keep for the redemption of their notes, form a very considerable item in the statement of their affairs, and are often placed in a situation, of the security of which the commissioners have not the means of forming a satisfactory opinion.

The city of New-York being the great exchange for the monetary as well as mercantile operations of the country, both of which invariably flow in the same channel, it is there that the reservoir is kept upon which most of the banks draw for the redemption of their notes as the exigencies of business require. Others draw upon funds in the banks at Albany, who in their turn meet such calls by drafts upon New-York. So that in fact, although a system of exchange is constantly going on between the different banks, in the country, it is only for the purpose of ascertaining nett balances which are paid by drafts.

And the notes of the different banks may therefore be said to be redeemed thus indirectly in the city of New-York. And the difference between this indirect redemption and a direct one by an application of the funds provided for that purpose in the city, before the notes are sent home, causes the trifling depreciation of country paper in that market.

Drafts upon New-York being equivalent to the specie there, this mode of redemption is preferred by the banks to a direct redemption in the city, because it gives their notes a more extended circulation; and by the bill holder to a redemption in specie at the counter, because it saves him the expense of transportation. The sys-

tem of exchange is thus kept up between city and country, (as it is said to be between different parts of the Union,) at less expense than the cost of transporting specie.

The competition for these deposits in New-York between some of the banks and individual bankers, has induced offers of moderate rates of interest to the country banks for their funds while undrawn, and many of them have very considerable deposits upon those terms with individuals, whose extensive and multifarious business renders their general reputation for solvency and wealth, a very uncertain test.

Upon general principles, as interest includes a premium for the risk as well as compensation for the use of money, we should expect that those would pay the highest rate in whose hands it was least secure. And the danger to be apprehended is, that the depositors may be tempted by the rate of interest, to lose sight of that unquestionable safety which to the public is certainly more important

We have no reason to suppose that any of the institutions are in danger of losses of this description, or that they have supposed themselves incurring any hazard in this respect. But we fear more danger from this source than any other, for they rely upon a credit of the solidity of which they have no adequate means of judging; a credit too which is the reliance of other banks, both in and out of the State, and of individuals, for amounts of which they can know nothing except the probability of their being immense.

Ordinarily however, no single institution will be exposed to a loss of this character, of sufficient magnitude to endanger the public fund. No instance of that kind has yet occurred to us, although some have been noticed where a loss would have occasioned a winding up of the institution.

The following statement will shew the amount due to the banks subject to our inspection, from the banks and bankers in the city of New-York, at the times therein mentioned.

1830, April 1.	1830, July 1.	1830, Oct. 1.	1831, Jan. 1.
1,242,157	860,226	1,710,960,	2,597,690 ✓

These are nett balances after deducting all balances on the other side of the account, and their average will probably shew about the average amount of funds in New-York belonging to those banks.

New York during the term of 7 1602,758.25

The law of the last session prohibiting the circulation of small notes of the banks of other states has had a most favorable effect upon the state of the currency. Public opinion seems to have co-operated in carrying it into execution; and it is believed that but very few notes of that description are now held in circulation in the interior of the state. Their place has been supplied with those of our own institutions, of the genuine character of which, almost every citizen is capable of judging.

The extent to which this law may have operated towards increasing the circulation of our own banks, can only be conjectural, but is believed to have been very considerable.

For the purpose of shewing the increase of circulation occasioned as well by that cause as the operation of the new banks which have commenced business the last year, we have compiled the following table, shewing the aggregate amount of bank notes in circulation at different periods.

It comprises all the banks subject to our visitation. The Lansingburgh, Rochester, Commercial and Dutchess County banks, with whose statements we have been obligingly furnished, and estimates of the Middle District and Columbia banks, until they stopped payment, thus giving the entire circulation of all the banks in the state north of the city of New-York, except the Orange County, and the two branches of the United States Bank.

1829, January 1,.....	\$4,408,056
“ July 1,	3,785,473
1830, January 1,.....	3,874,345
“ April 1,.....	4,549,123
“ July 1,	4,464,597
“ October 1,	5,720,979
1831, January 1,.....	6,762,541

The capital of these banks was

On the 1st Jan. 1830,	\$4,346,600
On the 1st Jan. 1831,	6,916,600

The following calculation will give the best estimate we are able to make of the entire amount of bank notes in circulation of the banks in this State, excluding the branches of the United States Bank:

Amount January 1, 1831, brought down, .. \$6,762,541

Deduct packages known to have been sent
for redemption, and in transitu on the

1st January, 300,000

\$6,462,541

Add estimate for Orange County Bank, 100,000

Add for New-York banks, estimated at. 3,835,000

\$10,397,541

Annexed to this report will be found an aggregate statement of the local banks of several of the neighboring states, taken from their last returns. From these and the statements and estimates of our own banks, the following table is compiled for the purpose of giving a comparative view of the bank notes in circulation in those states. The actual circulation among the community, however, will be less by the amount of bank notes on hand by those banks, after deducting the amount of bank notes of other states and of the United States, possessed by the banks, and in circulation in those states.

Comparative view of Bank Notes in circulation in several States.

	<i>Population.</i>	<i>Bank Capital.</i>	<i>Bank Notes in Circulation.</i>	<i>Specie.</i>	<i>Circulation to population.</i>	<i>Circulation to specie.</i>	<i>Capital to Circulation.</i>	<i>Specie to population.</i>
Rhode-Island,.....	97,000	6,065,200	929,490	365,734	9.58	2.54	6.52	3.77
Connecticut,.....	297,000	4,379,820	1,671,174	* 400,000	6.62	4.17	2.62	1.34
Massachusetts,.....	610,000	19,295,000	5,124,090	1,258,444	8.40	4.07	3.76	2.06
Pennsylvania,.....	1,300,000	12,815,581	7,870,609	3,013,389	6.05	2.61	1.63	2.32
New-York,.....	1,934,000	21,323,460	10,397,541	.....	5.37	.....	2.05	.....

* Estimated. Specie and notes of other banks reported together.

The amount of currency in a country is always in proportion to its wealth and business; and in this country, what may properly be considered currency, may be said to consist of specie, bank notes, and deposits in banks transferable by means of checks.

The amount of deposits reported by the banks in the adjoining States, appears to consist of so many items of a different character, some of which do not fall within that class of deposits fairly denominated currency, that they furnish very imperfect data for calculation, and are therefore omitted in the table.

It will be seen that the circulation of bank notes in these States bears a nearer proportion to their population than to the amount of bank capital; and that population, therefore, as regards them, is a better test of their wealth and business.

The proportion of circulation consisting of deposits, must be greater in this State than in either of those mentioned, in consequence of the immense business of that kind in the city of New-York; and probably if these were brought into the estimate, the proportional circulation of these five States would compare very nearly with our general ideas of their wealth and commercial character.

The common operations of banking, are, receiving deposits for safe keeping—loaning the floating balance of such deposits—borrowing large sums at a reduced rate of interest, and lending in small ones at the ordinary rate—paying interest upon deposits, and employing the average balance in productive investments—loaning capital upon real estate, accommodation or business paper—purchasing and selling bills of exchange—circulating bank paper as currency, upon the credit either of a portion of capital reserved for redeeming it, or upon the floating balances of deposits.

These are all separate and distinct operations; and the business of banking is elsewhere frequently confined to one or a few of them. But here most of them are generally combined, and frequently all are carried on by a single institution.

Hence it is that many of the theoretical notions upon banking are wholly inapplicable to the existing state of our banks.

One supposes that their aggregate expansibility or elasticity depends upon the aggregate amount of capital. Another, upon the amount of specie in their vaults. Another supposes that an accu-

mulation of *bank* capital increases to an equal extent the *cash* capital of the country ; and another, that every increased issue of bank notes necessarily causes a proportionate depreciation of money, or rise in marketable commodities.

But none of these propositions are true of our banks, however accurate some of them might be when applied to banks pursuing only one or other of the different operations above mentioned.

A bank whose operations were confined to the discounting of business paper, (by which is meant notes received or drafts given for property sold and to be paid at maturity, an operation which requires very little capital,) might extend itself very nearly in proportion to the amount of its capital, making just allowances for fluctuations in business ; but if a considerable proportion of its capital were loaned upon long credits, or upon accommodation paper or otherwise in a situation not to be commanded at short periods, the case would be entirely different. Such loans for business purposes may be fairly considered very nearly in the light of a reduction of so much capital.

So also the amount of specie on hand furnishes a very unsafe criterion ; for the demand for it depends not upon the quantity of bank paper in circulation, (if the circulation is confined to its legitimate channels,) but upon the exigencies of trade ; and a sudden revulsion may render an amount entirely insufficient, which in ordinary times would be an ample fund.

It is true, however, that when the channels of circulation become swollen, the fact is invariably indicated by a consequent demand for specie ; but other causes produce the same effect.

Specie, however, although the ultimate, is not the only, means of redemption, or of resisting a pressure. The direction of the pressure, and the course of trade, must be considered ; and the means growing out of the latter must be brought into account. For instance, in a commercial community situated as this State is, where the operations of business centre in a single city, if a pressure comes from that quarter, as most generally it will, it is obvious that funds there, to the country banks, answer all the purposes of specie at home ; so that their ability is not dependent solely upon the quantity of specie on hand.

The same principle will apply to the city banks, which, by the operations of commerce, find it convenient to accumulate or procure credits in Europe or elsewhere.

The adjoining States are somewhat differently situated as regards their commercial operations, having no acknowledged centre of business for the whole State, and the operations of trade therefore not furnishing equal facilities to the country banks for accumulating credits at a point where credits are equivalent to specie.

We should expect, therefore, that their banks would find it necessary to keep larger supplies of specie than would be necessary for the country banks here ; and such is the fact.

In Pennsylvania, for instance, the banks shew an amount of specie about equal to one half their circulation, deducting bank notes on hand. But the following estimate will shew the comparative means of resisting a pressure, between them and the twenty-nine banks in this State whose statements we have :

The Pennsylvania banks are liable to drafts for,

Circulation,	\$5,870,609
Dividends,	310,613
Due other banks,	2,215,912
Deposits,	7,234,739
	<hr/>
	\$15,631,873

Their available means are,

Public stocks,	\$1,046,578	-
Due from banks,	2,772,835	
Notes of other banks,	1,861,347	
Specie,	3,013,369	
	<hr/>	8,694,129
		<hr/>
		\$6,937,744

or 37 per cent of discounted notes.

The twenty-nine New-York banks,

Circulation,	\$5,870,935
Dividends,	39,841
State deposits,	129,763
Banks N. Y.....	115,459
Other banks,	1,394,025
Deposits,	1,608,095
	<hr/>
Carried forward,.....	\$9,158,118

	Brought forward,.....	\$9,158,118
Specie,	\$443,383	
Notes of banks,	1,028,831	
Cash items,	169,497	
Banks N. Y.	1,663,896	
Other banks,	1,246,447	
Bankers N. Y.	1,049,323	
	<hr/>	5,601,377
		<hr/>
		\$3,556,741

or 31 per cent of discounted notes.

The pressure, therefore, upon the debtors of the banks, after their available means should be exhausted, would be 37 per cent in Pennsylvania, and 31 per cent here. It is presumed that the difference would be still greater, if the New-York city banks were brought into the calculation.

The practical operation of increasing bank capital is here rather a concentration of than an addition to the cash capital of the country. Many individual sources to which borrowers resorted, become discontinued, and the capital upon which they drew is concentrated in a bank to which they now have to resort.

It will be seen that but \$891,964 of the capital of the banks subject to our visitation, (whose aggregate capital amounts to \$6,294,600,) is owned by persons residing out of the State, and a very small proportion of that is owned out of the United States. Of the \$2,150,000 of new bank capital paid in, during the last year, only \$181,420 is owned by non-residents of the State.

The amount drawn from other productive employments, exclusive of individual loans, cannot be otherwise than entirely conjectural, but is believed to be inconsiderable.

Somewhat connected with the erroneous opinion that an accumulation of *bank* increases to the same extent the *cash* capital of the country, is another idea that an increase of bank capital increases proportionably the productive capital of the country. There can be no doubt that the substitution of bank paper for a specie currency, has increased the productive capital of the country to the same extent precisely that bank paper has occupied the place which would otherwise have been filled with specie; because we have been enabled to export that amount of specie, being a commodity having in-

trinsic value, and substitute in its place mere paper which has none. And the amount of saving to the United States, by way of interest, upon this capital, has lately been estimated at \$4,000,000.

Although it is not denied that an increase of bank capital generally increases to some extent the amount of bank notes in circulation, yet it by no means follows that every additional paper dollar thus put in circulation, displaces one of specie; for much of the additional circulation caused by multiplying banks, is thrown into use, to answer purposes for which specie would not have been resorted to, but which would otherwise have been accomplished by barter or credit.

It is therefore only the amount of specie necessary to carry on the business of the country, which can be said to be displaced by the substitution of paper; and that amount may be much less than the quantity of paper actually used on account of the greater facilities afforded by the latter. Hence an estimate of the amount of specie currency displaced, would seem to be overrated if founded on the actual circulation of paper and specie, when the former constituted the principal amount, much more so if founded upon the basis of capital.

The proposition that every additional issue of bank notes causes a proportional depreciation of money in the market, both specie and paper, and a consequent rise in the price of commodities, is one which has been often advanced, and which has lately received the sanction of very high authority, in a report to the House of Representatives.

It is said that after the expiration of the charter of the first bank of the United States, a large number of local banks sprung up, which, being free from the controul which the United States Bank had exercised over the local institutions, commenced a system of excessive issues which involved the country in all the evils of a disordered currency. The state of things in 1816, is put forward as an illustration; and it is urged, that in consequence of the suspension of specie payments during that and the preceding year, the quantity of bank paper issued had about doubled the entire circulating medium, and that the nominal price of every article was of course one hundred per cent. higher than it would have been, but for the duplication of the quantity of circulating medium. And this consequence is said to result simply from a redundancy of quantity, not

withstanding the bank notes should be of undoubted credit, and convertible into specie at the pleasure of the holder.

The circulating medium of the United States in 1816, is said to have been one hundred and ten millions, which was reduced to forty-five millions in 1819, and has since been increased to about fifty-five millions. From whence the consequence is deduced that "a specie dollar, in 1816, would purchase no more than half as much as a paper dollar will purchase at present."

These are important propositions ; they have been widely and industriously circulated ; and as every thing relating to the currency is interesting to all, are certainly entitled to serious consideration. It may not be amiss therefore, and we hope to be pardoned for making some few suggestions which occur to us in regard to them.

In the first place the statistical facts relied upon, require a correction, which is found in a later and more detailed statement, compiled principally from actual returns, and reported to be from the pen of a most distinguished individual.

This statement, which will be found in a review of the report alluded to, in the American Quarterly Review for December 1830, estimates the entire circulation of bank notes in the United States, on the

1 January, 1815, at ...	\$44,700,000
1 January, 1816, at	66,500,000
1 January, 1820, at	43,780,000
1 January, 1830, at	64,380,000

The reviewer, alluding to the report referred to, quotes it as affirming that the value of *irredeemable* paper is altogether regulated by its amount, and does not depend upon the prospect of ultimate redemption.

This position he entirely refutes, both by argument and reference to facts of the most convincing character, derived from the actual prices current of American continental paper—Bank of England paper during the suspension of specie payments, and bank paper of this country under the same circumstances.

But the extent of the proposition, as affirming that the depreciation results entirely from the quantity issued, notwithstanding the bank paper may be convertible into specie at pleasure, seems entirely to have escaped his observation.

Is it true then, that every additional issue of bank notes convertible into specie, causes a proportionate depreciation of money, or what is the same thing, a rise in the nominal value of commodities?

Were the high prices of 1816 attributable to this cause?

Would the controul of the United States Bank have prevented the excessive issues of bank paper at that time?

It will be seen that the first proposition involves an entirely different question as regards the nominal value of property, from that which might arise, if by the extraordinary productiveness of the mines, or from any other cause, the quantity of the precious metals were to be suddenly and materially increased.

It is not necessary to controvert the proposition that the value of *money* is depreciated in proportion to the increase of its quantity, in any given state of the demand for it. But the question is, what is money? By the common consent of the civilized world, the precious metals have become the only measure of value. They have an intrinsic value, equal to the labor required to produce them, and an exchangeable value depending upon that quantity of labor and the demand for the product. Hence the increased facilities of procuring the article, and an increase of quantity in a given state of demand, must cause a depreciation in value throughout the globe.

But the effect of an issue of bank notes, is entirely different.—They have little or no intrinsic value, and are not acknowledged by the world as the measure of value. Their depreciation, therefore, would not affect the nominal prices of property in another country, nor is it supposed that the quantity issued would cause any material depreciation in value, as long as their credit was undoubted, and rested upon the fact of their convertibility into coin at pleasure.

It cannot be denied that prices rise as money depreciates. Suppose then an issue of bank notes as in 1816, but convertible into specie at the pleasure of the holders. It will not be pretended that these bank notes are any better than blank paper to purchase merchandize of the manufacturer in Europe. His prices therefore are fixed independently of any excessive issue of them—and fixed by that standard which the world acknowledges as the measure of value. The purchaser therefore converts his bank paper into coin, exports it to Europe, and purchases and imports his merchandize. He pays, as we have seen, in specie, the value of which in Europe,

cannot be affected by the quantity of bank paper in circulation in this country. Now will a dealer here pay in bank notes, twice the cost of that merchandize, when he can convert his bank notes into specie and go through the same process of importation himself?

If not, then it is not true that the price is raised or the money depreciated, in proportion to the issue of bank paper.

The proposition also assumes that under the circumstances supposed, the produce of this country would be nominally doubled in value. But the cotton or the flour would be worth no more in Europe, because there are other sources of supply. It would be preposterous therefore to suppose that a shipper would pay a two dollar bank note for a bushel of wheat to ship to Europe, when the price there was but *one*; if instead of doing it he could convert his bank note into specie and ship two dollars in coin.

Again, suppose, as was formerly the case in the western part of this State, that the produce of the country was chiefly purchased by the country dealers, upon sufficient credit to enable them to get it to market and realize the proceeds, (for credit, in some form or other, is the principal lever of business operations,) it is obvious that much less of what we term circulating medium would be employed, than is used in the present mode of purchasing with cash. In the former case, the property would go to market, and perhaps be converted into merchandize; the purchaser's notes would go into the hands of the agriculturist, and circulate until they should get into the hands of a debtor of the drawer, or be exchanged for merchandizes; and the whole transaction frequently be closed without the payment of a dollar in cash.

In the latter case, the purchaser of produce passes his note to a bank, in exchange for bank notes; pays in bank notes for the produce—the agriculturist pays his laborers, his mechanics, his merchants, &c. in bank notes, which find their way to market in some of the commercial towns; while in the mean time the purchaser of the produce, by a sale of it in the same market, is enabled to deposit the proceeds there to the credit of the bank, which pays his debt, and enables the bank to redeem its bills by drawing upon the deposit.

During the whole of this operation, the bank notes have been in circulation; and thus we see that the same business operation may

require a large or small amount of circulating medium, according to the manner in which it is conducted. In one instance it is done by a transfer of individual credit; in the other, by the transfer of bank credit.

The same amount of this description of business, as now conducted, requires the use of vastly more bank paper, than it did before the late war; and yet it never was supposed to be the occasion of any depreciation in the currency, or rise in the nominal value of produce.

Our purchasers have supposed the prices in the country to be regulated by the prices in New-York, and the prices there, by those in other parts of the world; and have never dreamed of paying higher prices, because they were paying in bank paper, which was current as money.

The error seems to lie in considering bank notes as money. They may be considered the representative of money, so far as the specie has been displaced by them, and lies in the vaults of the banks, because to that extent they will command what is money every where. And as long as sufficient of that can be commanded to answer the exigencies of commerce, with those who do not consider our bank paper such, it seems to us to be difficult to sustain the proposition that the value of money depends entirely upon the quantity of currency in circulation.

An imprudent issue of bank paper to individuals, to be used, not in satisfying the legitimate demands of business, but in encouraging a course of wild speculation or indiscreet overtrading; a ruinous extravagance of expenditure, or otherwise, where the borrowers will be unable to meet the fulfilment of their obligations—may indeed, to some extent, be said to affect prices, by producing an unnatural and excessive competition. But when the convertibility of bank notes into specie is rigidly enforced, the pulsation of business is felt; both the bank and the borrower soon find it to be a bad operation, causing embarrassment to the former, and loss or ruin to the latter; and the evil is checked before it becomes extensive or essentially injurious.

The rigid requirement of specie payments will always be found an infallible, as it is the only, corrective of a redundant issue of bank paper; for whenever the issue exceeds what the channels of business will absorb, the return of the excess is sure and speedy, and other

resources than those which are afforded by the ordinary current of business must be applied to its extinguishment.

It should not be forgotten, however, that the accumulation of bank capital to an extent beyond the requirements of business, affords strong temptations to this species of over issues. And the instances are not rare, where individuals, at times when the banks have found it difficult to keep up their discounts for business purposes, or have been tempted to increase them beyond the requirements of business, have been tempted to borrow imprudently without being able to calculate upon the means of repayment, perhaps to embellish a farm—to erect buildings—or enlarge a mercantile capital.

For a time the borrower reposes in security ; but when the imperious demands of business require the use of the capital thus invested, a new loan, and a sacrifice to procure an extension of credit, are the consequences ; and so on from time to time repeatedly, until the observer who lately saw the outward appearance of thrift and prosperity, now discovers a significant placard by the way side : “ This farm for sale.”

It is true that banks being out of the question, the same effect is produced when unemployed capital accumulates in the hands of individuals, in consequence of a depression of business ; but the facilities afforded to the incautious borrower are less, as the surplus capital of individuals is not susceptible of augmentation by the power of issuing a circulation beyond its amount.

But these are minor considerations as regards the proposition under consideration, and giving them their due weight, and allowing them all the influence upon prices which may be produced by an increased artificial competition, we still think they fall very far short of having a decisive weight in proving that the value of money depends upon, or is essentially affected by, the issues of bank paper, as long as that paper is convertible into specie.

It certainly is not proved by the prices of 1816, which are adduced as the illustration.

It may be admitted to the fullest extent, that the prices of commodities were enhanced at that period, by the excessive issues of bank paper, and yet the proposition is not established, for the bank notes of that time were not redeemed in specie. Specie payment had been

suspended by all the banks in the Union, except New-England, in the autumn of 1814, and were not resumed until the spring of 1817.

It is not intended to be denied, for all experience testifies, that paper of any description, which is put into circulation as currency, always must depreciate unless easily convertible into specie, no matter how ample may be the security for its ultimate redemption. Neither the arm nor the credit of government itself, can sustain it as currency. A melancholy proof of this in our own country, during the late war, must be still fresh in the recollection of all.

The humiliating fact remains upon record in the history of the times, that the treasury notes of the government, negotiable by delivery and bearing an interest, were exchanged at a discount for the bank paper of private corporations, not convertible into specie.

Yet the proposition is untrue that currency of this description is depreciated in proportion to the quantity issued. The prospect of ultimate redemption, and the proximity of that event, are all important in ascertaining and regulating the scale of depreciation. To the latter consideration chiefly must be ascribed the apparent anomaly above alluded to. The community had confidence in the ultimate solvency both of the government and the banks; but the opinion was probably entertained that the banks would resume specie payments sooner than the government.

If it be true then that excessive issues of bank notes do not essentially depreciate the whole currency, as long as such notes are redeemable in specie with facility, it would seem to follow that the actual depreciation of *irredeemable* paper, at any given time, may be measured by the premium which specie bears when exchanged for such paper.*

To what cause then were the high prices of 1816 attributable? Although it is granted that in some degree they were influenced by the excessive issues of bank paper, not however in any considerable degree, because such issues were excessive, but because the paper was not convertible into specie, we think it may be affirmed that the principal causes were entirely unconnected with the state of the currency.

* That premium in New-York, during the first six months of 1816, averaged 11.6 per cent. and during the last six months of the same year 3.88 per cent. Those averages therefore may be said to be the actual depreciation in New-York in consequence of the suspension of specie payments. The premium upon specie in some of the other commercial cities, was somewhat higher; but in Boston, where the banks paid specie, it was merely nominal.

In whatever relates to the currency, as well as many other important subjects, the history of the times immediately succeeding the late war is full of interest. But to apply it properly we should connect it with that during the war, as well as antecedent and subsequent.

For a long time previous to the war, the ordinary channels of intercourse with other nations had been obstructed by the belligerent state of Europe, and by our own countervailing restrictive system, the tendency of which were to enhance the prices of foreign commodities, by the danger and difficulty of procuring of them, until a state of open war put an end to nearly all supplies, except such as found their way by an illicit trade. The prices of foreign articles immediately took an extravagant rise, and continued to appreciate, while the demand for our own productions, stimulated by the wants of an army, and the withdrawal of laborers from their accustomed employments, nearly kept pace.

These and similar causes always incident to a state of war, and peculiarly operative in a country almost wholly dependent as this then was upon the workshops of other nations for manufactures, are sufficient to account for the extraordinary prices which were found to exist during the year 1814. The war too had excited the speculating enterprise of individuals, and called it into action, and the community gradually became reconciled to prices with which under other circumstances their judgments would have been shocked.

But when the peace of 1815 was concluded it produced a great comparative reduction of prices, but by no means a minimum, because the demand was unprecedented. The reduction created demand and the demand prevented a greater reduction. Overtrading was the consequence of not duly appreciating the temporary nature of the demand for consumption, and was induced by a succession of reductions in price, as the manufacturers in Europe were compelled by competition at home to submit to them.

The operation of causes like these would tend to keep up prices for a length of time before the demand and supply should become so regulated as to reduce them to a minimum. If we add to this the fact that the double duties upon merchandize were continued until July, 1816, and then only partially reduced, we can be at no great loss to account for the actual prices current of merchandize in 1816,

without much reference to the amount of circulating medium at that time.

The unsettled state of the agricultural interest also, at the period alluded to, and the peculiar unkindness of the seasons, were causes of appreciation in the prices of produce.

We have been proceeding upon the assumption that the prices of 1816 were excessive; they were so perhaps compared with the present, but they were less than those of 1815, and on the decline. How then does a reference to that period when prices were declining, and the circulation redundant, illustrate the proposition that prices are raised in proportion to the quantity of circulation?

But again, if the proposition is true, we must admit that prices will be least when the circulation is lowest; but the estimates quoted above show that the currency in 1815 was less than 45 millions, while in 1816 it had risen to rising sixty-six: and yet prices were decidedly higher in 1815 than in the following year.

It must also be admitted, that so far as the quantity of currency affects the price of commodities, all articles must be proportionably affected.

We entertain no doubt that an examination of the actual prices current at the times alluded to, will show conclusively that the prices of 1816 were on a rapid decline, notwithstanding the redundancy of the currency, and that different articles were by no means proportionably affected.

We have neither the time nor statistical facts necessary for such an examination, but the annexed table giving the prices of a few leading articles believed to be nearly correct, will give something of an idea of the result of such an examination.

	1814.	1815.	1816.
Iron,.....	\$150,00 per ton.	\$130,00 per ton.	\$100,00 per ton.
Tea,.....	2,00 per lb.	1,60 per lb.	1,00 per lb.
Sugar,	20,00 per cwt.	20,00 per cwt.	14,00 per cwt.
Rum,	2,00 per gal.	1,69 per gal.	1,06 per gal.
Molasses,....	1,00 do	90 do	50 do

For the reasons above mentioned, we think it unfair to charge the prices of 1816 entirely to the account of excessive issues of bank paper, believing that other causes ought in justice to bear much the

greatest proportion of the charge. There can certainly be but little accuracy in the assertions that prices were appreciated in consequence of over issues of paper to such an extent as to render two dollars then, of no more value than one at present.

If this conclusion is correct, it will follow that the severe pressure which was felt through the whole country in 1819, is not justly attributable as it has been said to be, to the resumption of specie payments by the banks in 1817.

A return to specie payments is undoubtedly always attended by a pressure upon the community, but that pressure may be measured by the extent to which the issues were excessive during the suspension, and if other causes than a redundancy of paper, contributed to raise prices, they are fairly chargeable with their share of the depreciation when prices fall and losses and embarrassment ensue.

Besides, as the effect of the curtailment and pressure necessary to enable the banks to resume specie payments, the distress in 1819 would seem to have lingered too far behind the cause.

When it is not only claimed that the existence of a national bank would have prevented the excessive issues of the local institutions at the period above mentioned, but also that the state banks never would have resumed the payment of specie but for the coercion of the present United States bank, and that such an institution is necessary for the purpose of enforcing this most important of all banking principles, justice to our own institutions as well as to the character of the state would seem to require some examination of the reasons upon which so bold a proposition is advocated.

The argument rests upon the assumption that the United States bank did compel the local banks to resume specie payments, and that they could have been compelled by no other means; because as it was obviously their interest to keep up as large a circulation as possible in order to ensure large dividends, they could not have been induced to co-operate *voluntarily* in the restoration of the currency, and they would not have been compelled by the state legislatures, *first*, because the tendency of a depreciated currency to attract importations by lessening the actual amount of duties paid to the government and to lighten the burthens of federal taxation, would have rendered it the interest of the states not to do so; and *secondly*, because as the banks were directly or indirectly the creditors of almost the whole community, their control over public opinion would

have been such as to have prevented legislative action in a case where a severe pressure upon the community would have been the necessary consequence: or in other words, that our legislative bodies would not have been found sufficiently independent to have required of the banks the fulfilment of the principal condition of their charters, however much the public interest may have required the firmness.

It is neither our business nor our purpose to comment upon the character of an argument of this description, either as it concerns the official guardians of the public interest, or the gentlemen concerned in our banking institutions. But the history of legislation in this state most certainly shows that sufficient independence and firmness, have always been found here to control and restrict the operations of banking as far as the interests of the community and the stability and value of the currency were deemed to require.

And during the suspension of payments alluded to, more than one law was enacted by our legislature for the purpose of facilitating compulsory proceedings against them by abolishing the quaint and dilatory practice which had theretofore embarrassed such proceedings.

It so happens that the present Bank of the United States went into operation at about the time when the local banks resumed specie payments, and thence, we apprehend, the conclusion is jumped at, that such payments were compelled by the operations of the United States Bank. Indeed, it has been asserted, that such payments would not have been suspended if such an institution had been in operation at that time.

Among the admitted causes of that suspension are enumerated the blockade of nearly the whole maritime frontier, the capture of Washington, the threatened invasion of Baltimore and New-York, the long continued and heavy drafts for specie from the eastern states for purposes not now necessary to be mentioned, and the exhaustion of the banks in the middle states, produced by the loan from those states to the government of nearly thirty-eight out of about forty-one millions of dollars, and the payment of about the same proportion, of the eleven millions of treasury notes and temporary loans of the government then in existence, and by the re-payment of about seven millions of the capital of the old United States Bank,

belonging to foreigners, and the necessary extension of their loans to take up the paper of individuals in that bank.

The sufficiency of these causes may be matter of much more deliberate and grave reflection now than it probably was at that agitated and gloomy period of our history. And the suggestion may not *now* be thought unkind, that a national bank, at that portentous crisis, could still have *compelled* the payment of specie by the local institutions, thus crippled by their exertions to sustain the government, while their vaults were full of the depreciated notes of its treasury and their resources cut off by the utter prostration of its credit.

Such a suggestion *then*, however, was not heard ; but had it been, its reception may be conjectured from the unexampled forbearance with which a patriotic community then submitted to the deprivation. The strongest evidence of the necessity of the measure is the fact, that the whole community forbore, while it was in the power of any individual of moderate fortune to have seriously injured, if not ruined, almost any of the institutions.

But the situation of the country had then become such that the necessity of sacrifices was generally felt, and not until that period were the community at large prepared to meet it.

Then it was that the *nation* may be said to have entered into the war, and the force of public opinion, in a supposed case of necessity, not only disarmed the law of its penalties, but actually kept the irredeemable paper of the banks at par with specie for more than six months after the suspension.

If we have stated the true causes of the suspension of specie payments in the autumn of 1814, it is difficult to perceive how a national bank, if one had then been in operation, could have averted the catastrophe.

The extraordinary causes which had produced the crisis, must have been felt by a national bank equally with the local ones.

Indeed, it is more than probable that such an institution, if it had been able to sustain its solvency, would have become so weakened by its exertions to sustain the sinking credit of the government, and by the sacrifices consequent upon the transfer of such vast amounts from one part of the country to another, as were required to carry on the war, as to have been the first to have felt the

necessity of suspending specie payments. The Bank of England has often done so for similar reasons.

It has been said, however, that a national bank "would have put the treasury department on its guard," and that "both acting in concert would certainly have been able at least to retard the event"!

It may be so. But when the bankers of Philadelphia were transporting their specie to Lancaster for security, when the heads of the departments were fleeing from the conflagration of the capitol, when the shattered credit of the government was bartered at the exchanges at from 10 to 15 per cent below par, and aided by the pledge of individual responsibility, to procure the means of offering double bounties for enlistments, we should be apt to question the efficiency of such concert.

The fact that the local banks resumed specie payment at about the time when the United States Bank went into operation, 1817, neither proves that the resumption is due to that cause, nor that they were in a fit situation to have done it before.

It will be recollected that the peace took place within a few months after the suspension of specie payments, and we have before alluded to the fact, and suggested some of the causes of the demand for foreign merchandize which immediately followed that event—To have resumed specie payments upon the conclusion of peace, the banks would not only have had to struggle under the same embarrassments which caused the suspension, and from which the few latter months of the war were by no means calculated to relieve them, but also to encounter that new demand for specie to export created by the demand for the China trade and for merchandize from Europe; and this, too, at a time when, according to a statistical account in the article before quoted, the specie in the vaults of the eastern banks amounted to \$8,200,000, while that in those of all the others in the Union only amounted to \$8,800,000. Most of the forty-five millions of paper then in circulation, was in that of the middle states, and an attempt at that time to redeem it in specie would most probably have converted embarrassment into irretrievable ruin.

It was therefore thought necessary to bespeak the patience of the public until the establishment of regularity in commercial operations, until the war debts of the government could be partially liquidated, and in short until all could in some measure recover from the ex-

haustion consequent upon the slackening of exertions and the relaxation of markets which had theretofore been held at their utmost tension.

It is not shewn that the local banks could with safety have resumed the payment of specie sooner than they actually did, but it is alleged that they made no effort to do it until about the time when the present Bank of the United States went into operation, in the early part of 1817.

Then it is conceded that payments were resumed under an arrangement for that purpose made between that institution and several of the local banks, and until it can be shewn that the local institutions might have resumed payment earlier, or in what manner they were *compelled* by the United States Bank, the inference may be doubted that they were so compelled.

The merit may as well be claimed for an individual banker, who is known to have instituted legal proceedings to compel the resumption of specie payments.

It is true, however, that the national bank did render essential aid towards restoring payments. It could not well have gone into operation as a specie paying institution, while all the other banks by which it was surrounded, had their vaults closed, and so far as that bank may claim the merit of rendering its assistance, and probably of accelerating the event, it would undoubtedly be conceded.

The assistance rendered by means of a loan in Europe, and the importation of several millions of specie, would seem to show, however, that before that time, the banks were not in a situation to have resumed their payments.

But what are the means of coercion possessed by the United States Bank, giving the assurance of its past, and promise of its future usefulness, which are not in the power of others ?

It is said to operate by receiving the notes of the local banks, and insisting upon their redemption. The banks in New-York formerly did, and the brokers in Wall-street now do, precisely the same thing ; and such also of necessity is the practice among all the country banks ; for while some redeem promptly, they must necessarily insist upon prompt payment by others.

The same legal means of coercion, in case of refusal, and the same remedy by discrediting the paper of delinquents, are alike open to the Bank of the United States, to the local banks, and to the whole community.

We may rest assured that the jealousy and rivalry which will always be found to exist among banks, will furnish a sufficient guaranty for the enforcement of this cardinal principle of banking, and that if the laws furnish the means of compelling specie payments, no one, much less the whole, will be suffered to deviate from it, unless in a case of urgent necessity.

And notwithstanding the uncomplimentary suggestions that legislatures may be found so subservient to the banks, or so influenced by motives of interest, to suffer the evils of a degraded currency, for the purpose of lessening their actual payments of duties and taxes to the general government, as to refuse to provide those means, we must yet be permitted to entertain the belief that prompt and adequate remedies will always be found provided by law, especially in those sections of the country which have any pretensions to a commercial character.

The provisions of our laws would seem to be abundantly sufficient. In addition to the penalty of heavy interest during the suspension, (the only penalty in the charter of the United States Bank,) the offence subjects the institution to a forfeiture of its charter. It is made the duty of the commissioners to enforce the forfeiture, and the remedy is simple and expeditious.

So far then as the enforcement of specie payments (the true corrective) can operate to restrain excessive issues of paper, we apprehend the restraint must be felt under our banking system. Besides this, the limitation by law of the amount of circulation to twice the amount of capital—the more efficient limitation of the amount of loans and discounts to twice and an half the amount of capital, and the frequent examinations to be made by the commissioners, interpose additional and important restraints.

It is said in the report to which we have so often alluded, that “a promise to pay specie at a place remote from the place of circulation, and where the bills would never come but at a great expense, and for the sole purpose of being presented for payment, would neither give credit to the notes, nor operate as an effective check upon ex-

cessive issues ;" that "human wisdom has never devised any adequate security against the excessive issues, and consequently the depreciation of bank paper, but its actual and easy and prompt convertibility into specie at the pleasure of the holder ;" and that "whatever, therefore, in a system of bank circulation, prevents the reflux of redundant issues, necessarily destroys the only adequate security against these injurious and ruinous excesses."

We quote these observations with entire approbation ; and respectfully submit whether the currency is more in danger of being depreciated by excessive issues from the institutions under our restrictive system, than from the gigantic institution which assumes to control and keep within bounds the entire mass of local banks ?

That institution is already asserting its dominion in almost every section of the country ; its branches are issuing a circulating medium in the form of small checks, payable at places remote from that of their issue and circulation ; and these checks are believed to form the greater part of the circulation of the branches in the interior of this State.

Its *notes*, too, enjoying a more extensive credit, in consequence of the assumed national character of the bank, and of their being receivable for duties and public lands in any part of the Union, without regard to the place of payment, are consequently held in circulation at much greater distances from the place of redemption, than the notes of the local banks possibly can be.

These circumstances operate to prevent that healthful reflux which indicates a redundant issue—tend to destroy the "only adequate security against injurious and ruinous excesses," and point to the means which might be used, under improper management, to inundate the country with irredeemable paper, or paper convertible into specie only at remote places and at great expense. The injurious effect is the same in either case, differing only in degree.

It would probably be within the power of that institution, by still further multiplying its branches, and by issues of notes or checks in one part of the Union payable in another, to sustain a circulation equal to the whole estimated currency of the United States ; a large proportion of which would, at any given period or place of pressure, be practically irredeemable.

The fact that it may have been prudently and discreetly managed in this respect thus far, furnishes no certain pledge that such will always be the character of its administration. However safely it may be trusted to redeem its paper *any where* when such redemption is practicable, by reason of its interest to keep up the credit and circulation of its paper, yet it must be remembered that it is only in times of distress and difficulty that such redemptions are particularly valuable. And the impracticability of providing means at every office to meet the paper issued at others, as the demands of business may require, has long been conceded.

The power of filling up almost the entire circulation of the country with paper in any sense or to any extent irredeemable, and consequently subject to depreciation, is one of the most serious import; and it will be fortunate indeed if it shall long be exercised, and motives of interest not lead to its abuse.

The guarantee possessed by the public that its notes shall be redeemed in specie, consists in that provision of the charter which imposes as a penalty for refusal, the liability to pay interest at twelve per cent!

Such provisions were found utterly inadequate in the case of the local banks; and it would require no great stretch of imagination to conjecture that the time may come when the employment of capital in the sale of exchange would be found a lucrative business, even at the hazard of paying extraordinary interest upon that proportion of the circulation which might be presented for redemption.

The most stable guarantee, after all, will be found in the character of those to whom the management of its concerns may be committed.

The banking system of this state adopted by the Legislature of 1839, looks rather to the eventual security of the public against losses, than to the prevention of temporary embarrassments occasioned by the vicissitudes of commerce.

We entertain the confident belief, that it will be found adequate to the accomplishment of the former object, and contribute essentially towards diminishing the evils incident to times of general embarrassment and distrust.

Most, if not all, the bank failures which have occurred in this State, as well as the neighboring ones, are attributable to causes against which this system interposes its guards.

The security held out by means of a capital, the exhaustion of which must precede any loss by the public, has been found to be deceptive in consequence of a secret arrangement by which stock notes of individuals have been received or substituted for capital. And it was a common thing to put a bank in operation upon a small part of its capital being paid in, thereby enabling it to discount to stockholders for the purpose of furnishing the means of paying further calls.

The capital of the institution was thus furnished by means of its own credit, and men of little or no responsibility were enabled by these facilities to become stockholders to large amounts, and in fact to controul institutions in which they had little or no real interest.

It is impossible that such deceptions should be practised under the present law, which requires the entire capital to be paid in, and an examination into that fact by the commissioners before commencing operations. And it will be equally impossible afterwards to substitute stock notes for capital, without their knowledge.

The purchase of banks for purposes of plunder, will be difficult of accomplishment, without those facilities afforded by some other institution, by means of large loans, hypothecation of stocks, or other devices, which will be constantly exposed to the observation of the commissioners.

Formerly the means of making such purchases were procured by an hypothecation of the very stocks to be purchased, and the nominal purchaser possessed the right of voting upon the stocks, which in reality belonged to the person furnishing the means; and the controul of an institution thus acquired, secured such a disposition of its funds as might suit the purposes of fraudulent managers.

The provision of the present law which prohibits a stockholder from voting upon pledged stock, destroys the object of such devices.

Large loans to favorite individuals upon doubtful or no security, have also been found to have been the cause of failures. These will be easily detected by the commissioners in the course of their

frequent examinations ; and if the certainty of detection does not effectually prevent such operations, the cases will seldom be found incurable if taken in season.

Instances have occurred where owing to losses of this character, an entire capital has been sunk, and yet the bank continued doing business, and making dividends. The real stockholders were the first to suffer, and the public security vanished with the squandered capital.

Under the present system it is made the duty of the commissioners to wind up an institution which has lost half its capital.

Another, and perhaps as important a feature as any in the system, is that which secures a right to, and makes it the interest of, one institution to operate as a check upon another through the commissioners.

A bank failure has never yet occurred in this State without some other institutions being forewarned of its approach, by means of their intercourse with each other ; but the difficulty has been a want of means to prevent it, and a want of interest in doing so.

By the present law, suspicious facts may be confidentially communicated to the commissioners, which it is their duty to investigate and act upon ; and they may be required to do so at the call of any three institutions.

Our experience has already enabled us to appreciate the value of these means of information ; and we endeavour to encourage their extension, by a strict adherence to their confidential character.

Bank failures in the ordinary course of business, we think are rendered quite improbable if not impossible ; and although they may be produced by gross and sudden frauds, against which the prohibitions of law, and the scrutiny of the most vigilant officers would furnish no protection, yet it is to be hoped that such instances, should they ever occur, will be so rare that the fund raised by the tax upon banks for that purpose, will at all times furnish an ample indemnity to the public.

In times of commercial embarrassment it will be the interest of the institutions to sustain each other, and no doubt can therefore be entertained of their disposition to do so as far as their own circumstan-

ces will permit, and as the situation of the weaker ones will render it safe to assist them.

But there may be times when the elasticity of a part, or perhaps the whole collectively, might be insufficient to meet a severe pressure occasioned by some extensive and extraordinary derangement of the commercial concerns of the country.

The effect of such a crisis would depend entirely upon the source and extent of the pressure, and although these might and would generally be traced, they are not always to be foreseen in season to avert the calamity.

A failure of the wheat crop for instance, which ordinarily produces to the country perhaps two millions of dollars, would deprive the country of that amount in the statement of its account with the city. A portion of this deficiency will have been realized by credits obtained in anticipation, another portion will be requisite to supply the necessary wants of the country, and thus the notes of the country banks will accumulate in the city, while the anticipated means of redemption are cut off. So far as their funds in New-York and specie at home would go, they have the means of resisting the pressure; but these are calculated only for an ordinary demand, and circumstances have now produced an extraordinary one. They must therefore depend, after exhausting their ordinary means upon such assistance as their debtors might be able to afford, and upon obtaining a temporary credit at the place where credit is wanted to equalize the balance.

It is not specie that is indispensable to meet such a pressure, but credit in New-York, the course of trade being there and the debt due there: and it is obvious that such credit might be obtained, (the eventual security being unimpaired and unquestionable,) provided the extent of it should be within the elasticity of the money market: or in other words, provided the city could give the credit and meet its own engagements.

The country banks therefore, in the case supposed, would be enabled to sustain themselves by these means under a pressure, against which their own resources must have yielded.

Instances of this description not unfrequently occur upon a small scale, where a single institution finds itself under the necessity of making a temporary loan to counterbalance some unexpected dis-

pointment. And the same principle is applicable to the pecuniary concerns of an individual ; a single bank ; to the banks of a particular section of country, and to the banking interest collectively : a slight cause deranges the pecuniary affairs of an individual ; a more serious one, those of a bank ; and a still more extensive one, those of a number or the whole.

Suppose a cause of more universal pressure—as a revulsion in trade directly affecting the whole country—an overtrading with other nations, such as distinguished the period succeeding the late war, and a consequent accumulation of balances beyond the ordinary means of payment by exportation. The deficiency must be supplied and the equilibrium restored either by the exportation of specie, or by obtaining a credit in Europe which will answer the purpose of specie. If no timely provision for such a credit were made the consequence would be a demand for specie to export to the place where payment was required. A pressure of this description is first and most severely felt by the city banks, but rapidly extends itself through the whole monetary interest of the country. The specie is drawn from the vaults of the different banks and collected for exportation ; the stocks of the government are purchased and remitted, and when these are exhausted, and such other means of remittance as can be commanded for the purpose, if a deficiency still remains, a suspension of payment must ensue.

Such a state of things necessarily begets a distrust of banking institutions as well as individuals, and the evil is increased by a general *panic*, which, however much it may be mitigated by the assurance of the eventual solvency of the banks or security of the public, is not to be entirely averted by the present system, and perhaps by no other within the power of legislation.

It arises from the operation of commercial principles, and it is the peculiar business of a banker to keep his observation constantly fixed upon the operations of trade, and by a prudent and timely forecast, to endeavor to provide funds or credit, wherever its exigencies may require balances to be paid.

Still, however, the causes alluded to, produce only a temporary embarrassment, and the public in the mean time have every guaranty that the debts of the banks will be ultimately paid.

The commercial character of this country and of this state pre-eminently, must ever render it subject to those revulsions which affect a currency composed, as ours is; principally of paper.

But we have now become to such a degree independent of other nations for our supplies of manufactured articles, that the pressures which we may anticipate, may be expected to be, rather for credit to sustain individuals at home, than for money to pay our national balances abroad.

At present, at all events, there would seem to be a sufficiency of coin to relieve any just apprehensions of the effects which may result from the fluctuations of trade.

In a late report made to the Senate of the United States, it is estimated that there is

In the banks, \$15,000,000

In circulation, 8,000,000

The reviewer above quoted, estimates that on the 1st of January, 1850, there was

In the banks, \$22,094,000

In circulation, 10,000,000

We incline to the opinion that both these estimates are now too low.

The report of the banks in Pennsylvania and Massachusetts, shew an accumulation in their vaults of \$1,324,000 during the last year, and the amount held by the United States Bank, has accumulated during the same period, \$4,184,000. It now possesses near eleven and an half millions.

The rapid diminution of the stocks of the government, which have always furnished a convenient means of obtaining credit in Europe, will probably tend to render a larger amount of specie necessary to be retained, to sustain the currency of the country, than heretofore has been found necessary. But on the other hand, the diminished demand for the Asiatic and other foreign trade—the restoration of quiet among the South American states—and the increased supply of gold from our own rich mineral region, (should an equalization of its standard to that of silver prevent its exportation) may be expected to produce a countervailing operation.

Giving due weight to all the just causes of apprehension for the safety of our banks, we still think they are not of a character which

should render us dissatisfied with the policy of adopting a currency essentially of paper.

And notwithstanding there may be causes of temporary embarrassment, arising from the operations of trade, against which our system may [not be calculated effectually to guard, yet we may claim with fairness, that our banks are no more exposed to such embarrassments than others, and that in this respect our bank policy is as safe, while in other respects we claim for it more safety than has been found under any other system devised to suit our peculiar situation.

So far as the public is concerned, the principal objections to it have been, its supposed tendency to encourage excessive issues of paper, by giving it an undue credit, and the excessive multiplication of banks.

If it be true that excessive issues of bank paper do not essentially depreciate the currency so long as such paper is easily convertible into specie, and if it be true that our law is pre-eminently calculated to enforce such payments, there would seem to be no great weight in the first objection, nor any well founded ground of complaint that our currency should be in good credit. But if any further security is required against excessive issues of paper, it will be found to be most ample in those provisions which limit the loans and discounts of each institution to twice and an half, and the issues of paper to twice the amount of capital.

It will very rarely happen that the circulation of an institution can be raised to the amount authorised by law, while the loans and discounts are kept within it. Both these provisions are salutary in their operation upon individual institutions, although, looking at the aggregate statement of the banks, they would seem to be inoperative.

The other objection to the system has been, its supposed tendency towards the excessive multiplication of banks, in consequence of a reliance upon the fund, rather than the solidity and good management of the institutions themselves. Probably such is in some degree the tendency of that feeling of security which we are apt to indulge in a system that promises much, though not entire safety.

The business of banking has already progressed so far as to have become interwoven with all our business relations, and to have given

a permanent character to our currency. If it were desirable, therefore, it would be impossible, to effect an essential change of the leading features of our policy.

So far as the requirements of actual business demand, it will undoubtedly be reasonably safe to extend the facilities of banking; but it is equally true that the security upon which we rely may be overloaded; and we should deceive ourselves in supposing that the present, or any other system which can be established by law, would afford perfect security against every evil that might result from an excessive and improvident increase of bank capital.

C. STEBBINS,
J. REES,
G. R. DAVIS,
Bank Commissioners.

January 24, 1831.

NOTE.

In the table, page 8, the amount of specie held by the banks of this State, is not stated, in consequence of the amount in New-York being unknown. It has since been ascertained that, on the 31st December last,

The U. S. Branch Bank held,.....	\$3,400,000
The local banks,	2,909,000
Making in the city of New-York,.....	\$6,309,000

These data enable us to calculate that the amount of specie held by the banks of this State, on the 1st January^{inst.} was \$8,435,000.

Aggregate Statement of the Banks of several States.

46 Banks.

RHODE-ISLAND.

October, 1890.

Debts of directors,	\$763,006	Capital,	\$6,065,200
“ other stockholders,	611,027	Circulation,	929,490
“ others,	5,647,590	Deposits,	946,159
Specie,	365,734	Debts,	118,036
Foreign bills,	187,764	Profits,	46,211
Deposits in banks,	329,050		
Stocks,	115,782		
Real and personal estate,	271,263		
	<u>\$8,291,216</u>		<u>\$8,105,096</u>

14 Banks.

CONNECTICUT.

March 1, 1890.

Debts,	\$5,171,294	Capital,	\$4,379,820
Real estate,	169,891	Circulation,	1,671,174
Stocks,	203,100	Deposits,	649,661
Deposits in banks,	542,453	Debts to banks,	156,869
Specie and notes of other banks,	863,482	Profit and loss,	180,854
Other items,	96,158		
	<u>\$7,038,378</u>		<u>\$7,038,378</u>

63 Banks.

MASSACHUSETTS.

June, 1830.

Debts and stocks,	\$27,987,234	Capital,	\$19,295,000
Due from banks,	2,191,087	Circulation,	5,124,090
Real estate,	621,152	Due other banks,	2,128,576
Bills of State banks,	914,096	Deposits on interest,	2,804,868
“ other banks,	479,759	“ not on interest,	3,574,957
Specie,	1,258,444	Profit and loss,	544,496
	<u>\$33,451,772</u>		<u>\$33,471,987</u>

32 Banks.

PENNSYLVANIA.

Nov. 2, 1830.

Discounted notes,	\$18,649,293	Capital,	\$12,815,581
Loans and bonds and mortgages,	1,752,152	Circulation,	7,870,609
Public stocks,	1,046,578	Dividends unpaid,	310,613
Canal, turnpike and bridge do.	629,147	Due other banks,	2,215,912
Real estate,	1,250,753	Deposits,	7,234,739
Expenses,	54,493	Other debts,	186,156
Due from banks,	2,772,835	Profit and loss,	1,417,975
Other debts,	183,612		
Notes of other banks,	1,861,347		
Specie,	3,013,369		
Bank stock,	837,993		
	<u>\$32,051,572</u>		<u>\$32,051,585</u>

[ASSEMBLY

BAN.

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IN ASSEMBLY,

January 22, 1831.

REPORT

Of the select committee on the petition of Samuel Badger and others, for an act authorising said Badger to erect and maintain a dam across the Susquehannah river.

Mr. Robinson, from the select committee to which was referred the petition of Samuel Badger and others, inhabitants of the county of Broome, praying for the passage of a law authorising said Badger to erect and maintain a dam in the Susquehannah river, in the town of Vestal, in the county of Broome,

REPORTED—

That the petitioners represent that a dam can be erected as prayed for by the petitioners, without in any way injuring the navigation of said river; and this representation appears to your committee, from the certificates presented, to be true; nor does it appear that the said dam will injuriously affect the rights of individuals.

Your committee have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

January 22, 1831.

REPORT

Of the select committee on the subject relative to the firemen in the city of New-York.

Mr. Myers, from the select committee consisting of the New-York delegation, to whom was referred the bill to abridge the term of service and extend the privileges of firemen in the city of New-York,

REPORTED—

That the firemen of the city of New-York are composed of a respectable and useful class of citizens, who are duly organized into companies for the laudable purpose of extinguishing fires and protecting the lives and property of their fellow-citizens. From the great extent and population of the city, and the frequent occurrence of fires and alarms, their labors are peculiarly arduous and dangerous. For a few years past, the number of fires in the city have been from one to two hundred annually, besides numerous false alarms, all of which call the firemen from their employments or their beds. Many of these fires occur in the dead of night, and render the labors of the firemen both arduous and dangerous. And from the constantly increasing severity of their duty, it is becoming difficult to obtain men enough to supply the various engines in the city.

When it is considered with what alacrity they fly to their engines at the alarm of fire, whether at noon-day or at midnight; and with what intrepidity and courage they ascend ladders to the top of buildings, enveloped in smoke and exposed to the devouring flames, both in the heat of summer, and the severest cold of winter, to rescue and save the property of their fellow-citizens from destruction—and also frequently the aged and infirm, and the helpless inmates from death,

your committee believe that the privileges proposed in the bill referred to them for consideration, are just and reasonable, and should be extended to them. The committee are aware that this is but a small reward for their services, but they have no doubt those of their fellow-citizens who are engaged in this service, possess a reward in their own breasts, paramount to every other consideration—the gratification of aiding their fellow-citizens in distress, and preserving their lives and their property from the devouring element, and bestowing benefits upon the community which cannot be paid, because they are above price.

The committee have instructed their chairman to recommend the passage of the bill referred to them for consideration.

IN ASSEMBLY,

January 22, 1831.

REPORT

**Of the select committee on the petition of the Board
of Supervisors of the county of Essex.**

Mr. Gardiner, from the select committee to whom was referred
the petition of the board of supervisors of the county of Essex,

REPORTED—

That they have had the said petition under their consideration,
and the following is a statement of facts relative to that subject.

The town of Newcomb, in the county of Essex, was organized by
an act of the Legislature, passed March 15th, 1828, and the present
population consists of only nine or ten families ; and that the taxes
on residents is trifling, amounting to a few dollars only ; and that the
non-resident taxes are large, amounting to several hundred dollars ;
none of which is paid to the collector. The consequence is, as stat-
ed in the petition, that he receives very little compensation for his
services ; his place of residence being about sixty miles from the of-
fice of the county treasurer, where he must go to settle his accounts.
The petitioners ask for a law to be passed for his relief.

Your committee think that the prayer of the petitioners is reason-
able and ought to be granted ; they have prepared a bill for that pur-
pose, and ask leave to present the same.

IN ASSEMBLY,

January 26, 1831.

REPORT

Of the select committee, to whom was referred the bill, entitled "An act allowing daily pay to petit jurors in the city and county of New-York."

Mr. Myers, from the select committee, consisting of the members of the New-York delegation, to whom was referred the bill, entitled "An act allowing daily pay to petit jurors in the city and county of New-York," which was introduced on notice, by Mr. Myers, one of said delegation,

REPORTED—

That the committee have given the subject referred to them, the consideration which its importance merits, and are of the opinion, should the same be passed into a law, it would be productive of great public good.

The trial by an enlightened, intelligent and impartial jury, is one of the dearest rights of every citizen in this free government, and its continuance one of the best safeguards to the rights of man. It is the common interest of the community to retain on the jury list, men of sound and discriminating mind, and integrity of character, whatever may be their situation in life, in a pecuniary point of view.

Under the Revised Statutes of this state, the supervisors of the several counties are authorised to allow jurors, over and above all other allowances, one dollar per day for their services, and also three cents per mile for travel fee, going to and returning from court. The allowance alluded to, is twenty-five cents for each ci-

vil cause on which the juror serves. For some of the counties, special laws have been passed, allowing the jurors seventy-five cents per day, and the committee are informed, that in several other counties the supervisors have made the allowance, agreeably to the provisions of the Revised Statutes. While these salutary provisions have been extended to other counties, the city and county of New-York presents a solitary exception, where the jurors are allowed by law only twelve and a half cents for each trial on which they serve; and the supervisors are restricted from allowing any further compensation to jurors, were they so inclined. And although it is provided in the 2d volume of the Revised Statutes, page 415, that, when it shall satisfactorily appear that the juror is not, at the time, the owner of real estate in the county, in his own name, or in the right of his wife, to the amount of one hundred and fifty dollars, or of personal estate to the amount of two hundred and fifty dollars, the court shall discharge them. Yet the committee are of opinion, that few, if any, of those who have seen better days, or have been in more affluent circumstances, will be willing to avail themselves of that benevolent provision; but from high mindedness, or pride, will be induced to serve, although they leave a suffering family at home. Others who have less pride, or more firmness to bear up against reverses of fortune, may avail themselves of this exemption; and as wisdom and integrity are not confined to any situation in life, the public are deprived of the benefit of the experience, wisdom and integrity of the jurors so discharged.

The committee would further remark, that jury duty is extremely burthensome in the city and county of New-York, which they have the honor to represent. New-York being the great emporium of the state, and "the queen of American cities," as very happily remarked by an honorable member of this house, furnishes almost constant business for the various civil and criminal courts in the city. The duty of those who are competent to serve as jurors is very arduous, and it is not uncommon for jurors to serve from four to twelve weeks in a year.

The bill before the committee, proposes to allow jurors seventy-five cents per day for their services, a sum barely sufficient to prevent their families from actual suffering, while they are so engaged on public duty, but not sufficient to induce improper persons to seek for the privilege of serving. Besides, the assessors who make up the list of jurors, will guard against the introduction of such persons.

Provision is made in the bill for paying the jurors, without a tax on the people, as it contains a tariff of trial fees, which it is presumed will raise a large proportion, if not all, the amount necessary to pay the jurors.

But if the whole amount were raised by taxation, on the real and personal property of the city, the amount would be but small ; and it would surely be more equitable and proper, that the burthen should fall upon the parties litigant, or on the public at large, than upon those who are compelled to serve as jurors.

The committee, upon the view of the whole subject, have instructed their chairman to present, for the consideration of the house, the bill to them referred, as amended.

IN ASSEMBLY,

January 21, 1831.

ANNUAL REPORT

**Of Horace Turner, an Inspector of Beef and Pork
for the town of Lansingburgh in the county of
Rensselaer.**

To the Honorable the Legislature of the State of New-York.

I, Horace Turner, Inspector of beef and pork, residing in the town
of Lansingburgh in the county of Rensselaer, hereby certify and

REPORT:—

That since my last return I have inspected in the whole, of beef
and pork 2,884 barrels of the following qualities, to wit;

PORK.

30	barrels mess,	valued at	\$14	00
40	"	prime	"	10 00

BEEF.

1,313	barrels mess,	valued at	\$7	50
1,501	"	prime	"	4 75

2,884 barrels at 15 cents per barrel amounting to \$432 60

HORACE TURNER.

January 19, 1831.

[A. No. 65.]

IN ASSEMBLY,

January 25, 1831.

REPORT

Of the Secretary of State, giving an Abstract of the Returns of the Superintendents of the Poor in the several Counties:

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany, Jan. 25, 1831.

The Secretary of State, in obedience to the provisions of the statute for "the relief and support of indigent persons,"

RESPECTFULLY REPORTS :

That copies of the annexed circular, and form for the reports of superintendents, (marked A,) were transmitted to the several county clerks in June last.

On the last day of December, thirty counties were delinquent; and circulars were sent to these counties by mail, enclosing a duplicate of the form, and urging the superintendents to make their reports without delay. Reports or letters have since been received from twenty-one counties, and nine are still delinquent. Those counties in which the superintendents have omitted either to report, or to assign any reason for the omission, are Allegany, Broome, Cattaraugus, Chautauque, Kings, Orange, Schenectady, Sullivan and Yates.

It is made the duty of the Secretary of State, by the statute before referred to, (section 79,) to present annually to the Legislature, "during the first month of its session, an abstract of the returns and reports" received from the superintendents of the poor of the several counties. This abstract is given in the tables appended to this report, and marked B and C.

[A. No. 66.]

It will be seen by reference to these tables, that the whole number of town and county paupers relieved or supported during the past year, in the forty-four counties which have made returns, is 15,506.

The total number of paupers received into the poor-houses during the year, is 11,515.

The total number of paupers in the poor-houses of thirty-seven counties, on the 1st of December 1830, was 4,566. Of this latter number, 2,110 were in the New-York alms-house, and 2,456 in 36 other counties, averaging 68 in each county. Assuming this average for the eighteen counties which have not a poor-house, or have not reported, and it gives 1,224, and would make the total number in the poor-houses on the first of December last, 5,790.

The average number of paupers for the year, probably would not exceed the number in the poor-houses on the 1st of December. If so, the total expense of their support, over and above their earnings, and the cost of the poor-house establishments at the average cost in those counties from which reports have been received, would be \$173,230.80 cents.

The total cost of the poor-house establishments in thirty-four counties, is \$191,348.64 cents, averaging \$5,627.90 cents each. Taking this average for twenty counties which have not returned the value of their poor-houses, and it makes the total expense of the poor-houses in all the counties except New-York, \$303,906.64 cts. : add to this the cost of the alms-house establishment in New-York, and it makes the aggregate cost of poor-house establishments in the State \$865,406.64 cents; which, at an interest of six per cent, gives \$51,924.39 cents, making the total annual expense of supporting all the paupers in the State \$225,161.19 cents.

This estimate is based upon the assumption that the number of paupers in the poor-houses on the 1st December would be the average number for the year; and that they are to be supported in the poor-houses at \$29.92 cents per year each.

The whole expense of supporting town and county paupers in forty-four counties, as will be seen by reference to the 4th column of Abstract B, is \$216,535.00: deducting New-York, and the average is \$3,021.79 cents for each of the forty-three counties, making returns of the amount paid; and this average multiplied by ten coun-

ties from which the returns are deficient, gives \$30,217.90 cents; making the aggregate expense of supporting the poor in the State, by the different modes now adopted, \$246,752.90 cents.

The estimate of expense for the support of paupers, as given in the 4th column of Abstract B, does not embrace generally any allowance for the expense of the poor-house establishments; and in some cases, the amount paid to overseers, justices, &c. is not included.

It will be seen by reference to the second column of Abstract C, that the total cost of all the poor-house establishments is \$757,257.64 cents.

This probably embraces all the poor-houses now built.

The total number born in these poor-houses during the year, was 106; died, 863; bound out, 298; discharged, 4,568; absconded, 504. Of the persons relieved during the year, there were 2,398 foreigners, 345 lunatics, 361 idiots, and 32 mutes.

Of the persons in the poor-houses on the 1st December, (excepting therefrom the alms-house in New-York,) there were 1,151 females, and 1,199 males: Total, 2,350.

Of the females, there were of 16 years of age and under, 339; males of the like age, 337: total, 676. This does not include any of the children in the New-York alms-house, where there are 550 of 11 years of age and under.

The paper marked D, shows the number of children in each poor-house, and the arrangements which have been made for their instruction. As ignorance is one of the assigned causes of pauperism, it is desirable that in providing for the support of the poor, provision in all cases should be made for removing, so far as relates to the tenants of the poor-house, this cause of pauperism. It ought to be made imperative upon the superintendents in every case, to provide means of instruction for all the children under their charge, who are of suitable age to go to school. In the New-York alms-house, an excellent school is kept in which about 300 children are constantly taught on the monitorial plan. This is the school at Bellevue, as returned by the public school society, and which shares in the school money of the state and city.

The paper marked E, contains a list of twenty counties in various sections of the state, in each of which the poor-house system has been adopted, and is in fair operation. It will be seen by this table that the average cost of supporting a pauper, over and above his earnings, and making no allowance for the expense of the poor-house establishment, is \$29.92 cents per year ;* or 54 $\frac{8}{10}$ cents per week. The same table shows the proportion which the whole number of paupers relieved in and out of the poor-house, bear to the whole population in each county ; and exhibits the average in twenty counties, to be one pauper relieved to 208 $\frac{4}{10}$ of the whole number of souls. In another column is exhibited the proportion which the paupers, in the poor-houses in these twenty counties, bear to the population in each, and giving a general average of one pauper in the poor-house to every 622 of the whole population of the counties embraced in the list.

In 1824, it was estimated in Mr. Yates' report, that there were then in the State 6,896 permanent paupers, and 15,215 occasional paupers, making a total of 22,111. It was also estimated that the proportion of permanent paupers was as 1 to 220 of the whole population, and of occasional paupers, 1 in every 100. The total expense of permanent paupers in the State, was estimated at 344,800 dollars, or \$49.70 cents as the average cost of each pauper. The total expense of occasional paupers, was estimated at 125,782 dollars, or \$8.27 cents each per year. Total expense 470,582 dollars, which does not embrace the excise money, estimated at 66,600 dollars.

Taking the returns which have been received the present year as the average for the counties which have not made reports, and the permanent paupers may be estimated at 5,790 ; and the occasional paupers at 12,348 ; showing a total of 18,138 in the State, which is equal to one permanent pauper in every 339 souls, and one occasional pauper to 107.†

* It was ascertained in 1824, that in the state of Delaware, where the poor-house system prevails, the yearly expense of a pauper was 45 dollars, including expenses of poor-house establishment. The mere support of the pauper \$41.11 cents.

In Connecticut, where a variety of modes prevail in regard to supporting paupers, the general average expense of permanent paupers, was 35 dollars per year. In four counties in Pennsylvania, the average expense of each pauper was \$33.46 cents, exclusive of the proceeds of the farms on which the poor-houses are erected.—Mr. Yates' Report, Assembly Journals, 1834.

† In Connecticut 1 in every 150 souls is a permanent pauper, and there is the like proportion of occasional paupers.

In the interior of Pennsylvania, where the poor-house system prevails, there is 1 pauper to 220 souls. In New-Hampshire, in 1820, 1 pauper to every 100 souls. In Massachusetts, 1 in 63.—Mr. Yates' Report.

In Scotland, the regular poor were stated in 1818, to be 1 to 100 ; and the persons incidentally assisted, equal to 2 in 100. The average number of paupers in England, for the years 1812, 1814 and 1815, was above 9 in the hundred of the general population. For these more than eight

The document marked F, contains, under the heads of the several counties, the explanations and suggestions of the superintendents of the poor.

It is desirable that the statute for "the relief and support of indigent persons," should be printed in a pamphlet form, and distributed to all the officers who are required to execute its provisions.

A. C. FLAGG.

millions of pounds sterling were annually expended; which amounts to above 16 shillings per head on the whole population of England and Wales.

In France the numbers of poor are considered as rising to one-fifteenth of the population in rural parts—to one-tenth in the towns, and to one-seventh in Paris.—Edinburgh Encyclopedia.

DOCUMENTS.

(A.)

CIRCULAR.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

ALBANY, May 28, 1830.

To the Superintendents of the Poor of the county of

GENTLEMEN,

Accompanying this you will receive a form for the reports required by the 75th section, page 631, vol. 1, of the Revised Statutes, to be made by the superintendents of the poor to the Secretary of State. So much of the present year has passed, that you may not be enabled to collect all the information necessary to a full report for this year; if so, you can report in December next, so far as you have the means of obtaining the required information. The reports should be transmitted to this office, by mail, as soon as practicable after the first of December.

In addition to the information required in the report, the superintendents are requested to give any other facts, or make any suggestions, which in their opinion will be useful or interesting.

The children between 5 and 16, who are tenants of the county poor-house, are not in consequence of that location to be enumerated in the school district where the poor-house happens to be situated; the children however ought to be instructed, and it is desirable to ascertain how far this object is accomplished, to the end that further legislation may be had on this point, if it is needed. If there are deaf and dumb persons in the poor-house under 25 years of age, and of sound mind, application ought to be made at once to get them into the deaf and dumb schools, either at New-York or Canajoharie. An act was passed at the last session, to add \$2 to the number of pupils in those schools, to be supported at the expense of the state. Names sent to this office, will be transmitted to the schools, as candidates for admission; and any information furnished which may be required.

I am, with much respect,

Your ob't. serv't,

A. C. FLAGG.

NOTE.—The county clerk is requested to hand over to the superintendents of the poor of the county, or one of them, the forms accompanying this circular. In counties where the superintendents are not yet appointed, the clerk will retain the package in his office until they are chosen.

*Of the Superintendents of the Poor of the County of
to the Secretary of State.*

**The number of paupers relieved or supported during
the year preceding the 1st of December instant,
was.....**

The number of town paupers,.....

The whole expense of such support was..... \$

Allowance made to Superintendents.....

do. do. Overseers,

do. do. Justices,.....

do. do. **Keepers and Officers,**

The actual value of the labor of the paupers maintained, was

The estimated amount saved in the expense of their support in consequence of their labor,.....

The sum actually expended, over and above the labor and earnings of the paupers, divided by the average number kept during the year, gives dollars cents per year, or cents per week, as the actual expense of keeping each person.

The county poor-house has _____ acres of
land attached to it, and the whole establishment is
valued at.....

The number of persons in the poor-house on the 1st Dec. inst. was.....

Of this number, there were of females,.....
of males,.....

Of the females, there were of 16 years of age and under,

Of the males of the same age,.....

Of the persons relieved or supported during the year, there were foreigners; lunatics; idiots; and mutes: of the mutes were between the ages of 10 and 25 years.

The number of paupers received into the poor-house during the year, was.....

Born in the poor-house,.....

Died during the year,.....

Bound out,.....

Discharged,.....

Absconded,.....

[State whether the children have been sent to school or instructed in the poor-house, and how many months, and the number of scholars instructed.]

Given under our hands, at
of December, 183

this day

}
Superintendents
of the Free.

[A. No. 66.]

2

ABSTRACT. (C.)

COUNTIES.	Acres of land attached to poor-house.	Value of poor-house establishment.	Number of paupers received into the poor-house during the year.	Born in the poor-house during the year.	Died during the year.	Bound out during the year.	Discharged during the year.	Absconded during the year.	Number of persons in the poor-house Dec. 1, 1880.			Of the persons relieved or supported during the year, there were			
									Females.	Males.	Total.	Foreigners.	Lunatics.	Idiots.	Mutes.
Albany,	60	18,000 00	440	6	34	25	353	16	124	119	243	238	10	5	
Alegany, .....	...	.....	.....	..	..	..	....	..	...	...	...	....	..	..	..
Broome, .....	...	.....	.....	..	..	..	....	..	...	...	...	....	..	..	..
Cattaraugus, .....	...	.....	.....	..	..	..	....	..	...	...	...	....	..	..	..
Cayuga,	83	5,000 00	154	8	13	7	112	9	30	30	60	13	8	14	
Chautauque, .....	...	.....	.....	..	..	..	....	..	...	...	...	....	..	..	..
Chenango,	173	4,000 00	35	3	5	6	32	7	15	21	36	6	8	7	
Clinton,	90	3,500 00	145	3	7	7	76	9	17	26	43	76	5	7	
Columbia,	200	13,000 00	175	7	23	30	109	30	86	68	154	35	7	..	
Cortland,	8	88 75	41	3	3	2	22	1	5	8	13	...	..	..
Delaware,	102	4,409 00	36	1	6	11	8	2	26	18	44	...	6	8	
Dutchess, .....	...	.....	.....	..	..	..	....	..	...	...	...	....	..	..	..
Erie,	87	10,363 90	219	4	12	8	185	22	36	23	59	60	3	1	1
Essex,* .....	...	.....	.....	..	..	..	....	..	...	...	...	....	..	..	..

COUNTIES.

COUNTIES.	Acres of land attached to poor-house.	Value of poor-house establishment.	Number of paupers received into the poor-house during the year.	Born in the poor-house during the year.	Died during the year.	Bound out during the year.	Discharged during the year.	Absconded during the year.	Number of persons in the poor-house Dec. 1, 1831.			Of the persons relieved or supported during the year, there were			
									Females.	Males.	Total.	Foreigners.	Lunatics.	Idiota.	Mutes.
Franklin,	25	+150 00	30	..	3	..	3	2	16	6	22	4	1	..	1
Genesee,	120	4,000 00	178	5	18	11	53	4	35	34	69	20	9	2	1
Greene,	111	5,000 00	186	5	9	3	31	10	55	64	119	15	6	5	4
Herkimer,	25	1,500 00	2548	..	12	9	20	72	25	18	43	2	..	..	1
Jefferson,	153	3,000 00	158	..	11	9	86	1	14	37	51	60	6	2	2
Kings, .....	...	.....	....	..	..	..	....	..	...	...	...	...	..	..	..
Lewis,	55	2,500 00	39	4	4	1	15	..	11	8	19	9	2	3	..
Livingston,	136	7,000 00	43	4	2	7	30	8	21	13	34	12	1	2	..
Madison,	125	6,587 55	115	..	8	5	7	52	20	19	39	3	16	2	..
Monroe,	47	4,300 00	189	2	10	4	...	..	19	18	37	111	3	3	3
Montgomery,	151	7,000 00	177	2	16	12	69	14	44	68	112	28	10	25	8
New-York,	137	561500 00	4910	..	505	..	2295	..	..	..	2110	1300	143	89	..
Niagara,	93	1,675 00	95	1	6	7	72	9	13	18	31	33	..	..	2
Oneida,	115	7,000 00	236	9	25	10	190	64	6	61	122	76	24	7	2
Onondaga,	144	5,933 44	132	3	12	7	82	27	24	31	55	19	9	6	..
Ontario,	105	9,500 00	142	3	3	14	84	34	46	25	71	18	..	17	2

RECAPITULATION.

Acres of land attached to poor-houses,	3,876
Total value of poor-house establishments,.....	\$757,257.64
Total number paupers received into the poor-houses during the year,.....	11,551
Born in the poor-houses,.....	108
Died during the year,	863
Bound out,	298
Discharged,	4,563
Absconded,.....	504
Total females in poor-houses, Dec. 1, excepting N. York,	1,151
Males, do	1,199
Total of both sexes, including New-York,.....	4,580
Foreigners relieved during the year,.....	2,398
Lunatics,.....	345
Idiots,	361
Mutes,.....	32

(D.)

The following Table shows the number of Children in the several Poor-Houses, under 16 years of age, and the provision made for their instruction.

COUNTIES.	Females under 16.	Males under 16.	Total.	Remarks in relation to instruction.
Albany,	33	30	63	Average of 20 instructed in almshouse.
Cayuga,	13	11	23	No schooling reported.
Chenango,	6	7	13	Sent to district school.
Clinton,	4	6	10	No schooling reported.
Columbia,	24	27	51	25 instructed.
Cortland,	1	4	5	No schooling reported.
Delaware,	5	7	12	do do
Dutchess, .....	.....	.....	.....	No poor-house.
Erie,	8	13	21	Children taught in poor-house.
Essex, .....	.....	.....	.....	No poor-house.
Franklin,	6	1	7	No schooling reported.
Greene,	9	20	29	do do
Genesee,	6	10	16	do do
Herkimer,	4	1	5	do do
Jefferson,	3	10	13	do do
Lewis,	3	4	7	3 sent to district school.
Livingston,	8	2	10	Sent to district school, those of proper age.
Madison,	6	5	11	No schooling reported.
Monroe,	11	7	18	Children instructed in poor-house.
New-York, .....	.....	.....	550	300 instructed in a school in almshouse.

COUNTIES.	Females under 16.	Males under 16.	Total.	Remarks in relation to instruction.
Niagara,.....	5	9	14	Children sent to district school three months.
Oneida,	21	21	42	Children taught in poor-house whole year.
Onondaga,	12	18	30	No schooling reported.
Ontario,	16	9	25	Average of 15 taught in poor-house eight months.
Orleans,.....	4	3	7	No schooling reported.
Oswego,	6	5	11	Some sent to district school and others taught in house.
Otsego,	17	12	29	Children instructed in the poor-house.
Queens,.....	.....	.....	.....	No poor-house.
Richmond,.....	2	4	6	Children instructed in poor-house.
Saratoga,	21	20	41	No schooling reported.
Seneca,	2	1	3	do do
Scholarie,.....	8	5	13	do do
Steuben, .....	.....	.....	.....	No poor-house.
St. Lawrence,	5	4	9	No schooling for the children.
Suffolk, .....	.....	.....	.....	No poor-house.
Tompkins,.....	7	9	16	No schooling reported.
Warren,.....	4	5	9	do do
Washington, .....	.....	.....	.....	do do
Wayne,	25	10	35	do do
Westchester,.....	36	37	73	The Children are kept at school in the house.
	339	337	1226	

• There are 550 under 11 years of age.

(E.)

The following table contains a list of twenty counties in which the poor-house system is in fair operation, and shows the average expense of supporting a pauper for a year and for a week; and also the proportion which the whole number of paupers relieved or supported during the year, as well as those in the poor-houses on the 1st December 1890, bear to the whole population of the several counties:

COUNTIES.	Average sum actually expended for each person during year.	Average sum actually expended for each person per week.	Proportion which the whole number of paupers relieved during the year, bear to the whole population in the county.	Proportion which the persons in poor houses Dec. 1, 1890, bear to the whole population of the county.
Albany city,	\$39 26	\$00.75½	1 to 40	1 to 98
Cayuga,	32 06	.31	1 to 227	1 to 794
Chenango,	25 22	.47½	1 to 435	1 to 1039
Clinton,	24 95	.48	1 to 131	1 to 449
Columbia,	18 60	.35	1 to 117	1 to 259
Delaware,	43 16	.83	1 to 434	1 to 750
Erie,	43 16	.83	1 to 124	1 to 605
Greene,	30 85	.59	1 to 158	1 to 248
Jefferson,	41 07	.79	1 to 135	1 to 950
Madison,	18 46	.35½	1 to 339	1 to 1000
Monroe,	30 68	.59	1 to 151	1 to 1346
Montgomery,	19 22	.36½	1 to 206	1 to 414
New-York, .....	.....	.64	1 to 43	1 to 101
Oneida,	33 70	.64	1 to 189	1 to 572
Ontario,	26 24	.50	1 to 198	1 to 566
Oswego,	22 88	.44	1 to 315	1 to 1084
Otsego,	26 49	.51	1 to 282	1 to 618
Saratoga, .....	.....	.60	1 to 184	1 to 342
Tompkins,	36 19	.69	1 to 292	1 to 745
Washington,	26 37	.51	1 to 173	1 to 455
General average,	\$29 92	\$00.56½	1 to 208½	1 to 622

(F.)

ALBANY.

The only report from this county is from the superintendent of the alms-house of the city of Albany. The salary of the superintendent, \$500, is placed in the table A. under the head of "allowance to superintendents." The living of the superintendent is estimated at \$50 dollars besides his salary. The allowance of \$28 dollars is for keepers and assistant farmers, &c. There is a school attached to the alms-house in which an average of about 20 children are taught 12 months in the year.

CAYUGA.

The sum of \$1,903.08 cents includes the transportation of paupers, their boarding, clothing and physicians bill, and all other expenses incurred excepting the superintendents, overseers and justices, for as these last named were contracts away from the poor-house, (except a very small proportion of the superintendent's charges,) it was thought best to put the expense actually incurred at the establishment by itself.

We take the liberty of calling your attention to a particular grievance which we think ought to be remedied, in the hope you will concur with us in opinion and suggest some means to have it done. The present law requiring all paupers to belong to the county where they become such, makes it incumbent on this county to support all who are discharged from the state prison under circumstances which disable them from maintaining themselves: Of this description there have been a number discharged since our county-house was established, some with long continued chronic complaints which will probably disable them for life and accompany them to their graves; others are lunatics; and others are idiots; and probably were discharged for these causes from prison. These according to the existing law must be supported by this county, thereby taxing us with an expense which we think is unjust, and that we ought to be relieved from it.

CHENANGO.

The estimate of labor is made on the amount of hired help, male and female, necessary to perform the labor done in the various departments of the establishment which is now performed by the paupers, and not from any mechanical trade or business carried on therein. The children have been instructed in the district school, adjoining the poor-house farm, at the expense of the county without aid from public money.

CLINTON.

The difference between the actual value of the labor of the paupers and the amount stated in the report as saved in the expense of their

support, arises from part of the labor having been applied to making improvements upon the farm to the amount of \$239.40.

On this subject the superintendents differed in opinion: A majority were of opinion that the part of the earnings of the paupers that was applied directly towards their support only, should be deducted from the expenses of supporting them, and this mode was adopted, making the expense of each pauper 48 cents a week. Others were of opinion that the whole labor of the paupers should be deducted, which would have reduced the expense of each to 40 cents a week, or \$22.62 a year. There has been paid out during the year preceding the first of October, for temporary relief and expenses of justices and poor-masters in the several towns, \$656.13 cents. We have made our report from October to October, as the superintendents then have to make up and settle all the accounts with the supervisors. It would be difficult to ascertain the exact amount from December to December, as specified in the forms.

COLUMBIA.

The average expense of supporting such only as have been maintained at the county-house, is twenty-seven cents the week; the sum of 35 cents contained in the report, includes such as could not be removed to the county poor-house, as well as those supported there.

A school house has been kept the whole year, and the average number taught has been twenty-five for the children of the house.

CORTLAND.

The town poor at the poor-house are on special contract. None reckoned in the report except those at the poor-house. The poor-house and land rented and added to the amount of expense. Commenced poor-house, Jan. 16, 1830.

DELAWARE.

We purchased one pair of oxen at \$75 to work the farm; one cart and one fanning mill, for which we paid \$52, which is not deemed an annual expenditure. We have three paupers out of the poor-house who are not able to be removed to it: The expenses of outstanding paupers and the amount paid for temporary relief, is \$299.44, all of which is included in the report: The distinction between town and county poor was abolished in November, 1828. Our poor-house has been in operation two years: In consequence of our poor-house establishment the county has saved, at a moderate calculation, over two thousand dollars per year.

DUTCHESS.

The county of Dutchess has as yet made no county poor-house: As the reports of the supervisors give no information of the town paupers subsequent to the first of April last, the superintendents can make no return of the number of town paupers to whom relief has been furnished since that time; they have therefore reported the facts according to the best information in their possession for the year ending on the first of April, 1830.

ERIE.

The superintendents state that the amount paid for transportation of paupers and the allowance to overseers and justices has not been audited by them, and they do not know the amount of the charges in those cases: Among the 286 paupers relieved are included 80 vagrants.

The superintendents have employed an instructor, and have sustained a school about three-fourths of the past year.

ESSEX.

The board of superintendents of the poor of the county of Essex, respectfully report, that the members of the board were appointed by the board of supervisors of said county, at their annual meeting in November last; notice of which appointment was received by said members after the adjournment of said board, with a notice to meet, &c. on the 6th instant; on which day said board met and organized: That said board have made no formal adjudication or determination as yet, who are or how many are county paupers at this present time in said county, but have allowed charges for sustenance of thirty-three persons since the first of January last, amounting in the whole to the sum of seven hundred ninety-five dollars and three cents. And further, that this board has not received from the Secretary of State, a form for this report. And further, that this board has received no abstracts from the clerk of supervisors, as required by the Revised Statutes of this State, or other means of ascertaining the number of paupers relieved in said county since the first of January last, or any means of distinguishing the number of town from county paupers.

The supervisors of several towns have made the returns which follow:

The supervisor of Jay reports,	
Expense of 1 county pauper,	\$17 00
" of 1 town do	52 00
To overseers,	10 00
	<hr/>
	\$79 00

The supervisor of Essex reports,	
Expense of 4 county paupers,	\$46 85
" of 6 town do	216 37
To overseers of the poor,	9 00
Supervisor and town clerk, auditing, &c.	2 50
	<hr/>
	\$274 72

The supervisor of Willsborough reports,	
Expenses of 1 town pauper,	\$1 50
" 4 county do. amount unknown.	

The supervisor of Moriah reports,	
Expenses of 3 county paupers,	\$78 40
To overseers of poor,	10 00
	<hr/>
Carried forward,	\$388 40

	Brought forward,	\$86 40
To justices,		3 00
To other officers,		2 00
		<hr/> \$93 40

FRANKLIN.

The superintendents were appointed on the 9th of February 1830, with power to rent a tenement and provide for the support of the poor. The house was ready for the reception of paupers on the first of May, 1830. The returns embrace the expenses from May to November. The expense of supporting the paupers has been greatly enhanced in consequence of fitting up a house, procuring furniture, &c. The superintendents have no doubt but a great saving has already accrued to the county from the adoption of the system, in consequence of its preventing many applications for relief.

GREENE.

The number of town and county paupers relieved out of the poor-house during the year preceding the first of April 1830, was 94; of these, 38 were county paupers. The whole expense of the support of these county paupers was \$260.29 cents: of this sum, there was paid for transportation, \$9; allowed to overseers, \$36; to justices, \$7. The number of town paupers relieved was 56, at an expense of \$699.99 cents: of this sum, \$19.25 cts. was paid for transportation; \$106.28 cents allowed to overseers, and \$78.25 cents to justices. Total paid for the support of paupers out of the poor-house, \$960.28 cents.

GENESEE.

It will be seen that \$141.61 cents has been paid for the support of paupers who could not be removed; so that the number supported in the poor-house will not cost quite as much by the year or week as is stated in the report. The superintendents have not been able to employ the paupers at labor to any advantage. They are generally quite advanced, sick, infirm, lunatic, or unable to labor on a farm. They are generally discharged when they become able to labor on a farm, and we have not the means of employing them which are resorted to at some other places. We have no town paupers.

JEFFERSON.

The report of the superintendents includes returns from the supervisors, from March 1, 1829, to March 1, 1830, and are as follows:

74 town paupers, expense,	\$1,248 28
Paid to overseers,	123 91
Paid to justices,	45 25
“ transportation,	12 63

\$1,430 07

40 county paupers, expense,	\$666 13
Paid to overseers,	27 00
“ justices,	24 00
“ transportation,	9 00
	<hr/>
	\$726 13

Deducting what we think a due proportion from the above, we estimate the whole number of paupers for the past year at 282, and the whole expense at \$4,412.47 cents. It also includes the amount paid on justices' orders for temporary relief, and the amount audited by the board of supervisors for the support of paupers. The whole expenses at the poor-house have only been \$1,868.94 cents. The average number of paupers at the poor-house, 45½; making 2,366 weeks' board.

LEWIS.

Two children sent to common school four months each, and also one child three months.

LIVINGSTON.

The distinction between town and county paupers has been abolished in this county by the board of supervisors. The number of superintendents has been reduced from five to three. Allowance to physician for the poor-house, \$75; stock purchased for the farm, \$149.45 cents; furniture for the house, \$84.07 cents.

There has been expended in the support of paupers not brought to the poor-house, \$447.30 cents; allowed to overseers of the poor by supervisors, \$49.75 cents; to justices, \$22. These three last items are not embraced in the estimates of the report. We find it impossible to form an accurate estimate of the value of the labor of the paupers. Some of them are absolutely helpless, and can do nothing; others can do a little; and a very few can sometimes perform as much labor as well persons. There is one lunatic and one idiot under the care of the superintendents, but not kept at the poor-house. The children who were of suitable age, have attended the district school.

MADISON.

Owing to the manner in which the accounts of the overseers of the poor and justices of the peace were audited by the board of supervisors, it is not in our power to fill the blanks for the allowances to those officers. We have called upon the clerk of the board and he is unable to give us the requisite information. Their accounts for services done for the poor being mixed in with numerous other charges for different services, and deductions having been made by the board upon their whole bills, it was impossible to procure an accurate statement. There are 4 lunatics, supported with their friends. Amount paid physician attending the poor-house \$110.

MONTGOMERY.

The distinction between county and town poor is abolished. The superintendents have not included in their report the amount paid to overseers and justices for their services, nor the amount expended for temporary relief out of the poor-house, they having no data by which to ascertain those amounts. A school has been kept in the poor-house by two of the paupers for the term of ten months, and the number of scholars instructed was 34.

NEW-YORK.

Mr. Burtis, the superintendent of the alms-house, gives the following statement in regard to the cost and extent of the poor-house establishment in the city of New-York, viz :

We have now enclosed at Bellevue, by a high stone wall, 26 acres, which with the buildings reported by the committee as first completed, cost about 450,000 dollars; since then we have added two acres of land and a number of buildings, &c. which addition has cost more than 50,000 dollars; we have outside of the wall 109 acres at \$600 per acre, making 61,500 dollars, and giving a total of 561,500 dollars, as the cost of the alms-house establishment. In this I have not included Blackwell's Island, which contains 110 acres, and with the building now erected, has cost above 60,000 dollars : This establishment is almost entirely occupied with a class of paupers that may be fairly reported by you as such, a few only being confined there for petit larceny, but most of the persons being sent there as poor, drunken vagrants.

The following interesting extracts are taken from a report of the commissioners of the alms-house, of which body, John Targee, Esq. is chairman, and which report was presented to the corporation of New-York on the 20th of September, 1830 :

That there will always exist a portion of every community, which will in some way be dependent upon the public for support, we must from the manner in which society is constituted naturally expect. Accidents and misfortunes are occurrences to which the most prudent are occasionally liable, but it is a rare occurrence indeed to find persons of cultivated minds in our alms-house. Education brings in its train, as a natural consequence, a certain degree of moral restraint upon our vicious passions and propensities. In order to the attainment of knowledge, habits of application and industry are the first and great leading pre-requisites; and these once firmly fixed, nothing but some extraordinary misfortunes will deprive their possessors of the ability to provide for their own wants.

The school established in the alms-house at Bellevue, is a branch of the establishment which claims our most earnest solicitude; and it is found essentially beneficial. Nearly three hundred children are here constantly instructed in the first rudiments of education, and the foundation thus laid for future improvement and usefulness.

The liberality of our state legislature in their munificent appropriations to the common school fund, is worthy of all praise; and when we reflect on the vital importance to the rising generation, of a perpetuity of our republican institutions, and the necessity which

now exists by reason of the extension of the elective franchise, that every individual should be capable of reading and judging for himself, on matters most essential, not only to himself, but to his posterity, we cannot but believe that every appropriation, whether by the state or city authorities, for the promotion of this important object, will meet the cordial support and approbation of every member of the community.

There are in the house at Bellevue, at the present time, old and superannuated persons between the ages of 60 and 100 years,

years,	360
Blind,.....	43
Cripples,	95
From debility,.....	35
Subject to fits,.....	29
Idiots,	89
Lame and rheumatic,.....	111
Palsy,.....	61
Nervous,.....	40
Women confined.....	20
Insane,.....	94
Sick in the hospital,.....	171
Children under the age of 11 years, many of them of very tender years,.....	551

Making an aggregate of 1,699

persons, of whom it may be said that *collectively* they are incapable of taking care of themselves in the ordinary concerns of life, with all the conveniences that could be furnished to them. These may be considered as permanent claimants on the public bounty; for although from deaths and discharges, we are occasionally relieved of some of them, others are not wanting to fill their places.

The system of affording temporary relief to poor persons out of the house, the commissioners are well aware is one requiring the utmost vigilance and attention which can possibly be bestowed on it; and for this purpose they have permanently employed a very efficient and useful officer, Mr. William Schureman; who they denominate a visitor, and whose special and very arduous duty it is made to visit every person or family applying for such relief; and upon whose report the commissioners are governed in making occasional donations which consist principally of fuel, potatoes, and occasionally small sums in money; the aggregate amount of which, however, in the course of a year, as shown in the statement herewith submitted, forms an important item in the annual amount of the disbursements of the commissioners. In making these donations the commissioners are influenced by the consideration that in so doing, they sometimes, and in fact as they hope in most cases, thereby keep alive a desire in the parties to make efforts to provide for themselves and families, and relieve the public from the burthen of their entire maintenance in the house: motives deemed laudable in themselves, and if accompanied with the desired effect are certainly useful and economical.

In the year 1827, the board of guardians of the poor of the city and district of Philadelphia, appointed a committee of their body to visit

the cities of Baltimore, New-York, Providence, Boston and Salem, for the purpose of inquiring into their systems and examining their institutions for the relief of the poor. This committee, after a careful and minute investigation of the subject, in making up their report, in order to contrast their own, with other establishments in *large towns and cities*, give the following statement as the result of their inquiries.

In Philadelphia for 1825-6.

Amount expended for the support of paupers in the almshouse,	\$37,309
Average number in the house during the year, 994, being 72 cents each per week.	
Children's asylum,	7,034
Pensions and relief to paupers out of the house,	47,357
	<hr/>
Population of the districts about 125,000.	\$91,700

Baltimore for 1826.

Amount expended for the support of paupers in the house,	\$15,509
Average number in the house, 392, being 75 cents each per week.	
Pensions and relief to paupers out of the house,	2,491
	<hr/>
Population 70,000.	\$18,000

New-York for 1826.

Amount expended for paupers in the house,	\$58,500
Average number in the house, 1949, being about 60 cents each per week.	
Relief to paupers out of the house,	13,690
	<hr/>
Population 175,000.	\$72,190

Boston for 1826.

Amount expended for the support of paupers in the house,	\$18,276
Average number in the house, 450, being about 78 cents per week for each.	
Pensions and relief to paupers out of the house,	12,256
	<hr/>
Population 60,000.	\$30,532

"Speaking of Baltimore the committee say, "the house is situated on a farm of upwards of three hundred acres, two and a half miles from the city, and a few acres contiguous to it enclosed by a wall." Speaking of Boston, the committee also say, "the almshouse is at South Boston, about two miles from town, and is located on a farm of about sixty acres, surrounded by a stockade fence twelve feet high." Thus we see that while in Philadelphia, Baltimore and Boston, (the only places with which it would be fair to contrast New-York,) they are pursuing in the two last mentioned places, agricultural employment for the poor, yet in those it costs them, in Baltimore 75, in Boston 78, and in Philadelphia (where their mode of employment is

not mentioned,) 72 cents each per week; while in New-York including the asylum for the education of the children, and hospital for the sick, only 60 cents each per week."

"The aggregate number of foreign poor admitted into the house during the four years, 1826, 7, 8 and 9, was 5,140; making an average of 1,286 per annum. The aggregate number remaining in the house for the same period is 3,286, making an average for the four years of eight hundred and twenty-one, which at the rate of 64 cents each per week, (the average cost for the year 1829,) and leaving out of the calculation the expenses of those who died in and were discharged from the house, will form an aggregate average expense of \$27,322.88 per annum; while the sum received from bonded passengers, and as commutation for the same period, amounts only to the sum of \$8,968.23 per annum; leaving a balance against the establishment in this branch, of \$18,354.65 per annum. If to which be added the expenses of those who have died in and been discharged from the house, it is confidently believed that this balance would be more than \$25,000 per annum. And as the exhibit shows a gradual increase of this description of poor, we may not look forward to any amelioration of our burdens in this respect.

"The commissioners cannot allow the present opportunity to pass without earnestly calling the attention of the common council to the deplorable condition of that part of the hospital establishment at Bellevue appropriated to the insane. It will be perceived that no less than 993 sick patients, and 143 insane, were admitted into the hospital during the last year. Circumscribed as we are for room, it is found utterly impossible so to classify the different cases of disease and of the insane, as not to be essentially injurious to all. The sick and the dying; those in a state of utter destitution of reason; and those in a state of partial alienation of mind, are necessarily from want of room, placed within sight and distinct hearing of each other; and with the utmost efforts of the resident physician and superintendent, it is found utterly impracticable to maintain that quiet and order in the establishment, so essentially necessary in a place specially devoted to a bed of sickness and disease. If a separate and distant place could be provided for the lunatics, the present hospital might be sufficient for the ordinary cases of sickness; and the commissioners would respectfully suggest the propriety of making an establishment on Blackwell's Island, specially for the accommodation of this most unfortunate class of our fellow-creatures."

There is a large room fitted up in the alms-house establishment, for a school room, where \$25 were instructed the last year on the monitorial plan. This is the school returned by the trustees of the public school society at Bellevue, and it participates in the school money apportioned to that society. This is an excellent school, and affords advantages to the unfortunate tenants of the alms-house, not inferior to those enjoyed at the best of the public schools in the state.

NIAGARA.

The expenses which have occurred separate from the poor-house for temporary relief, as near as we can estimate, is for physician's

bill \$165; for temporary relief to paupers \$253; overseers fees \$54; justices' fees \$40; total 512 dollars; number of paupers unknown to us. The children have been sent to the district school about three months; but we are preparing a school-room in the poor-house, which will soon be in readiness. Paid for farm 500 dollars, which is not added in the report of expenses.

ONEIDA.

A school has been taught by some one of the paupers in the poor-house during the whole year, and the number taught has varied from 15 to 30. We have not the means of ascertaining the allowances made to justices and overseers, as their accounts were settled by the boards of supervisors.

ONTARIO.

There has been a school taught in the poor-house eight months during the year ending on the first day of October, 1829, the average number of children taught during the above mentioned time, is fifteen. The branches taught in said school, are spelling and reading; and when the children become of any size they are bound out as servants and mechanics, until they shall respectively become of age.

This establishment was opened in October 1826. The first year an attempt was made to have the towns support their own poor; but it was soon found very difficult on account of crediting the paupers for the labor they did; as some could do much less than others, and again, some required much more attendance, medicine, &c.; the superintendents therefore immediately reported the difficulty to the board of supervisors, recommended to them to make all the poor of the county, county paupers; which was accordingly done. Since which time the poor have been kept as a common stock; and since that time we find no difficulty in keeping the accounts, and managing the concern. We think we have improved some in the management of the concern, and we think there is much room for further improvement. We think our farm is not large enough; that a larger number of cows ought to be kept, because we find it not only much cheaper to keep the paupers on butter and milk as much as possible, but it adds much to their health and comfort.

The reasons why we report from October to October, are, 1st. That our books and reports are made during that time; secondly, the board of supervisors meet on the first of October in each year, and our accounts are all credited up to that time. The expense of the paupers since the first day of October 1830, up to the first day of December, will not vary much from what they were during the same time in 1829.

ORLEANS.

We would suggest an alteration in the 42d section, page 624, of the poor law, so that in those counties where the distinction between town and county poor has been abolished, which is the case in our county, each town shall be obliged to support those paupers who

are unable to be removed to the county poor-house in cases of sickness, so long as such inability to be removed shall exist.

We would, as the superintendents of the poor in and for the county of Orleans, most humbly solicit you to lay the above before the Legislature, so that an alteration may be made if expedient.

OTSEGO.

In this county the distinction between town and county poor has been abolished.

The estimates are all calculated for the year ending 10th November, 1830, the date of the report of the superintendents to the board of supervisors.

The superintendents find a difficulty in complying with the form prescribed by the Secretary of State. The number of paupers relieved or supported during the year, seems to include those relieved in the towns under justices' orders, as well as those supported at the county house. The number of paupers temporarily relieved, is not known to the superintendents; they have therefore divided the expenses into such as may be strictly considered as incurred for temporary relief, and such as may be considered as constituting the actual expense of supporting the paupers at the poor-house.

The children have been instructed in the poor-house the whole term by one of the paupers. The average number of scholars was 15.

The whole expense of the support of the poor, was..... \$3,638 30

Of this sum was paid for temporary relief, or relief out of poor-house, as follows:

By county treasurer on justices' orders,	\$958 03
Accounts allowed by supervisors,.....	19 00
Allowance to justices,	71 60
do overseers poor,.....	79 75
	<hr/> 1,148 38

For permanent relief or support at poor-house, as follows:

Victualling, clothing, hired labor, repair of buildings, furniture and implements of husbandry, and incidental expenses,	1,729 88
Transportation of paupers,	151 99
Estimated allowance to overseers for orders of removal,	49 87
Allowance to superintendents,	125 18
do keeper,	350 00
do physician,	83 00
	<hr/> 2,489 92
	<hr/> \$3,638 30

The average number of paupers at the poor-house, was 94.

OSWEGO.

The expense of supporting town paupers in the several towns, so far as heard from, for the relief of 70 paupers, \$540.58 cents; three towns not heard from, estimated at \$175; temporary relief in different towns to 39 county paupers, \$198.44 cents; do. three towns not heard from, estimated at \$275. The children have been taught at the poor-house, reading, and some have been sent to the district school. It is suggested that the superintendents and overseers of the poor should be furnished with the laws relating to the duties of their offices. Our report bears date the first of October. The reason of this is, that our board of supervisors hold their session the beginning of October, and if we reported from December to December, we should be under the necessity of ascertaining the expense from the time the supervisors meet until the first of December, and also for the same period the preceding year. Our report, however, gives the expense of one year.

PUTNAM.

We are now building a county poor-house, which will be done by the first of May next. When this is done, the distinction between town and county poor will be abolished. We have made no report to you, as the poor have been kept in the towns as usual.

QUEENS.

The number of persons relieved and supported during the year preceding the first of December instant, was 285. Of the persons thus relieved, the number of county paupers was 120; the number of town paupers, 165. The whole expense of such support was

		\$8,220 34
Of this sum, there was paid for transportation		
of paupers,	\$20 25	
Allowance made to superintendents,	127 05	
“ “ overseers,	311 00	
“ “ justices,	317 00	
“ “ keepers and officers,	318 00	
“ “ doctor's bills,	159 36	
Allowed the different persons for taking pauper children off the county, at an earlier age than such children can be put out as servants without compensation,	20 00	
		<hr/> 1,272 66
		<hr/> \$6,947 68
		<hr/>

The actual expense of keeping each person per week, can not be ascertained, as the overseers have kept no account of the time the paupers were severally supported. A house, with 21 acres of land attached to it, has been hired for the use of the county poor, at an annual rent of \$75; and from the first of October last, it is intended a correct account shall be kept of all proceedings had in relation to

such paupers as are chargeable to the county; but the overseers of the poor manage the town paupers in their own way, and it is not possible to obtain any information from them beyond a statement of the amount of money expended in support of the poor; nor can the number or description of paupers be more than conjectured at any given time, under the system adopted by the towns. As yet our pauper children receive no instruction, either in the poor-houses or at school.

The superintendents with pleasure avail themselves of the privilege granted by the printed circular of the Secretary, under date of the 28th May last, to state the following facts and circumstances relative to the maintenance of paupers in the county of Queens, which, it is hoped, will satisfactorily apologize for the deficiencies of their report.

From the date of the operation of the law requiring the counties to support certain paupers not chargeable to any of their towns, up to the appointment of superintendents in this county, the overseers of the several towns have adopted various plans for relieving town and county poor. In some towns it has been the practice to hire board for the paupers, in such poor families as could be found to take them at a low rate. Some of the overseers have hired houses to keep them, and purchased provisions, clothing, &c. at the expense of the town, and employ persons to cook and take care of them. Others, and the greater number, put all the poor of the town out on contract, to the person who will take them for a year at the smallest sum, pay all their expenses, and retain the balance of the sum contracted for as his own compensation. The first of these modes of affording relief to paupers is considered extremely objectionable, inasmuch as it furnishes facilities for the grossest impositions on the public, and is the most expensive plan that has yet been resorted to. It is within the knowledge of the writer, that one of the towns which now puts out its poor on contract for \$700 per annum, formerly expended from \$1,800 to \$2,200 a year for the same objects; and it is believed that the paupers may now be as well supplied, after reasonably paying the contractor; as they were under the former extravagant expenditure. Many of those who formerly applied to the overseers to have their board provided in the family or house of some friend or relative, and generally succeeded in getting it, by craftily imposing some tale of woe on the overseer, will now work and maintain themselves, rather than submit to leave the haunts of their associates, perform the labor, and comply with the discipline exacted from them by the persons who contract for their support at a limited compensation.

Supporting town poor in a poor-house is also liable to objections, on account of the impossibility of conducting such establishments on a small scale, with the same degree of economy, and under the same wholesome regulations, which may without difficulty be advantageously applied to more extensive institutions of the same description.

The last mode resorted to, and which appears to be gaining favor, in our county, has nothing to recommend it, excepting that it makes a temporary saving in dollars and cents; whilst its natural tendency

evidently is to degrade the pauper, and demoralize the contractor. Immediately after the appointment of superintendents, it became necessary for them to visit the town poor-houses, in order to re-examine the paupers, and provide for such as should be found chargeable to the county. The condition of the poor in one town, under the care of a contractor who was liberally paid, was truly such as to excite the warmest feelings of commiseration and sympathy for the wretched subjects of poverty, vice and misfortune, who had fallen into his hands. From 12 to 16 persons were tenanted, in the month of February, in a miserable house about 24 feet square, with only one fire-place; around which, old and young, black and white, male and female, sick and well, half naked children and ragged dirty negroes, were crowded together, covered with filth, rioting in idleness and disgusting conversation, and apparently indulging in every thing to corrupt and brutalize the human mind. Nor is this disreputable state of things confined to the towns whose overseers put out their poor on contract. In one town in which a house and keeper is hired, and supplies are furnished by the overseers at the expense of the town, at an average cost of about \$1,200 a year, so great was the want of care on the part of the overseers and keeper, that the paupers were not comfortably supplied either with clothes or fuel; and even cleanliness, the foundation of comfort, health and credit, was so shamefully neglected, that we thought it prudent to inquire whether the house was free from vermin, and were kindly cautioned by the paupers, that our safest way would be to keep our feet, and not make use of their seats. It is understood from good authority, that the contractor and keeper last referred to, have both been removed, and the poor in those towns now receive better treatment. From this deplorable state in which pauperism now exists in our county, no relief is to be expected without the assistance of the Legislature; and this it is hoped may be speedily obtained, as further legislation on the subject, we think, must soon be had and frequently repeated. The gradual increase of our own citizens, under the most favorable circumstances, would soon require it; and suffering as we are from the corrupting and destroying vice of intemperance, and exposed to an accumulating influx of emigrants from the vagrant population of Europe, the most vigilant and watchful care of government will be absolutely necessary to keep down this growing evil of the times, which already threatens the State, and particularly the southern counties, with a heavy and oppressive tax. The whole poor of the county are now kept in seven different parcels, each attended by a keeper and the legal quota of town officers. It cannot require an argument to show that an important item would be saved in their expenses, by consolidating the whole into one general and well-organized company; which would also be the means of enabling the county to derive some little advantage from their labor, which is now lost by the subdivision. The paupers too, if properly employed, would soon feel the benefits of wholesome exercise, and sensibly enjoy its good effects upon their health and constitutions.

The correcting restraints of discipline and labor, would tend to reform and improve that numerous portion which has been reduced to

indigence by profligate conduct—the unfortunate children now growing up in idleness, ignorance and the contaminating influence of evil example, might be taught to read and write, and have their infant minds trained to something like usefulness and virtue, without any perceivable addition of expense, and the country would realize a benefit from their schooling, by putting them out as apprentices and servants at an earlier age than masters can be found to take them without any learning.

The heart of philanthropy would also find consolation in extending the hand of relief and beneficence to that truly meritorious class of unfortunate poor, who, deprived of health and declining with age, are now at the closing stage of a life of industry and prudence, compelled to seek protection from beggary and want in the loathsome society of vicious companions, and to take up their abode in the crowded apartments of a wretched town poor-house.

In fact, the experience of the last six months has abundantly proved, (the county poor having been relieved in a house separate from the town poor,) that by keeping the whole poor of the county together, not only a great saving would be made in the public expenditure, but the character and condition of the paupers might be vastly improved; many of their base propensities and vicious habits corrected and subdued; their peace and happiness promoted, and their moral reputation raised above the degraded level, to which too many of them have been unfortunately brought by idleness, improvidence and a fatal indulgence in the prevailing vice of our country.

Should the Legislature take up this subject during its approaching session, we beg to suggest a provision in the law, making it obligatory on the board of supervisors to abolish the distinction between town and county poor within a limited time after the passage of the act.

RENSSELAER.

The distinction between town and county poor not having been abolished by the supervisors of this county, it is impracticable for the superintendents to comply with the requisitions of the statute in their report. There being no county house or other place for the accommodation of the county poor, the superintendents on the 24th of March last, made a contract with the trustees of the House of Industry, erected by and belonging to several towns in said county, to board the county paupers at \$1.50 per week, including all ages and conditions, exclusive of clothing and medical aid; the institution having all the benefit arising from the labor of the said paupers. [The number of paupers thus relieved, and the expense of such relief, is all that is embraced in tables A and B, for Rensselaer county.] The superintendents suggest the necessity of an alteration in the law in relation to erecting county poor-houses by increasing the sum for purchasing land and erecting buildings, to at least \$20,000. The sum at present prescribed by the statute is too limited for many of the counties, and especially for the county of Rensselaer.

The following are the returns from the several towns in the county of Rensselaer, of the number of town and county paupers relieved,

not having been sent to the poor-house, and the amount paid for such partial relief.

City of Troy.—The number of paupers who have had relief in the city of Troy, during the year ending May 18, 1830, so far as we have been able to ascertain the same from the accounts of the overseers of the poor, as audited by the common council, and from the books of the House of Industry, is 569; of these 169 are county paupers, and 400 are chargeable to the city. Of the two numbers, there were about 120 who were partially relieved by charitable donations from the common council during the last winter, and who are not strictly considered paupers; deducting this number from 569, and it leaves the actual number of paupers relieved in the city, and not sent to the poor-house, 449. There has been paid to a justice of the peace \$92.60 cents for taking examinations of paupers, as appears by the account of the chamberlain; 200 dollars has been paid the overseer for his salary for one year. The aggregate expense for the year, on account of paupers amounts to \$3,932.20.

RECAPITULATION.

Town paupers,	\$843 21
County do	2,796 39
Paid justice,	92 60
Paid poor-master,	200 00
	<hr/>
	\$3,932 20

The following Table shows the expenses in the several towns in Rensselaer.

TOWNS.	County paupers re- hired.	Town paupers re- hired.	Expense of county paupers.	Expense of town paupers.	Allow'd to overseers of poor for services.	Allowed to super- viser.	Allowed to town clerk.	Allowed to justices of the peace.	Allowed to const- ables.	Total amount of all expenses.
Greenbush,	13	8	152 65	80 41	19 35	3 75	8 75	14 50	7 50	831 05
Schohack,	2	1	41 95	38 00	33 12	1 25	1 25	8 67	1 00	125 25
Pittstown,	2	...	61 00	230 69	38 00	.....	.....	.....	.....	329 69
Berlin,	1	4	10 00	5 00	.....	.....	.....	.....	.....	15 00
Stephentown,	4	4	52 76	128 27	28 26	.....	.....	.....	.....	209 29
Sandlake,	12	8	97 97	67 34	42 50	.....	.....	.....	8 50	216 29
Grafton, .....	...	1	.....	2 25	18 07	.....	.....	.....	7 86	28 18
Nassau, .....	...	4	.....	83 57	4 65	.....	.....	.....	.....	88 22
Hosick, .....	...	4	.....	59 60	36 87	.....	.....	.....	7 13	128 78
Petersburgh, .....	...	3	.....	107 83	4 93	1 00	1 00	27 18	.....	141 94
Scaghticoke,	4	1	24 60	13 00	19 50	.....	.....	10 00	15 55	82 69
Lansingburgh, .....	...	9	.....	246 61	36 50	.....	.....	.....	.....	283 11
Brunswick, .....	...	1	.....	52 00	28 00	.....	.....	23 75	.....	128 25
	37	48	\$440 93	\$114 57	\$309 75	\$6 00	\$6 00	\$84 10	\$47 54	\$2107 74

RICHMOND.

The farm and establishment provided for the poor in said county, did go into operation in January last, under the care and management of the supervisors and overseers. The superintendents were not appointed until April last, therefore we report from that time. The keeper of the poor-house receives $37\frac{1}{2}$ cents per week for boarding the paupers, and is also entitled to the benefit of their labor and use of the farm. The farm is furnished with stock, farming utensils, manure and household furniture.

The children have been partially instructed in the poor-house.

ROCKLAND.

Has no county poor-house. Paid for tuition \$9.59; for counsel fees \$44.75; medicine and attendance \$62.59. These items are included in the amount of \$117.93, placed under the head of keepers and officers, in table A.

SARATOGA.

The superintendents remark that there are other expenses in the different towns, besides those embraced in their report, which they have not the means of ascertaining, and the amount of expenses reported are exclusive of the produce of the farm; and the labor of the paupers has all been expended on the farm and in the house. The superintendents beg leave to suggest an alteration in the law. As the law now stands, when a town officer delivers a pauper at the poor-house, and takes the keeper's receipt, he must call on two superintendents and have his receipt countersigned before he can obtain his pay; whereas one superintendent may approve the expending of an unlimited sum in the different towns. If the legislature make any alteration in the law, it would be a convenience to pay the person delivering a pauper on the certificate of one superintendent.

SENECA.

The whole expense of support of paupers out of the poor-house, from the 12th January last, (when the distinction between town and county paupers was abolished, and the board of superintendents appointed,) until the 28th of August, when all the poor of the county were ordered to the poor-house, was \$982.63 cents.

SCHOHARIE.

We have a contract with the keeper of the poor-house that he shall have the use of the farm and buildings belonging to the establishment, the labor of the paupers, such as can work, and 39 dollars per year, or 75 cents per week, for each pauper, during the time he remains at the poor-house.

The distinction between town and county paupers exists in this county, or in other words, all the poor are not a county charge. It is the duty of the supervisors of every town in the county to report to the clerk of the board of supervisors within fifteen days after the

accounts of the overseers of the poor have been settled by the board of town auditors in each year, an abstract of all such accounts for the preceding year.

We have received returns as above from only four towns in the county, namely, Schoharie, Cobleskill, Sharon and Summit. The supervisors of the other six towns, viz:—Middleburgh, Fulton, Broome, Blenheim, Jefferson and Carlisle, are in default: We are therefore unable to make return according to the printed form sent us.

The supervisor of Schoharie reports that there have been eleven paupers (all of which are town paupers) relieved or supported in said town during the year ending the 23d day of February, 1830. That the whole expense of such relief and support, amounts to,

	\$102 36
That the allowance made to overseers, was	13 50
To justices,	11 56
To constables,	4 50
To town clerk, one of the board of auditors,	1 25
	<hr/> \$133 17

The supervisor of Cobleskill reports that the relief granted in that town was to two town paupers, \$18 35
 They paid for medical attendance, 5 06
 Justices' fees, 3 00
 Overseers of the poor, 18 00

\$44 41

The supervisor of Sharon reports that two county paupers have been supported in that town at the expense of, \$78 00
 And that 12 town paupers have been relieved in the town
 at an expense of, 173 57
 That an allowance has been made to the overseers of the
 poor of that town, of 20 50
 To justices, 24 14
 To constables, 7 50

\$303 71

The supervisor of Summit reports that four town paupers have been supported in that town the whole year, and that one other has been occasionally relieved.

That the expense of such support has been \$159 90
 Allowance to overseers of the poor was 12 00
 To justices, 21 75
 To constables, 5 00
 To supervisor, 1 00
 For doctor's bill, 7 50

\$207 15

We have not the means of ascertaining the expense of transporting the 26 paupers to the poor-house, as but few of the charges have been presented to us; they will probably amount to about 20 dollars.

In conclusion, we would observe, that were the distinction between town and county poor done away, it would tend to simplify and render uniform a system of public charity, which will ultimately not only prove alleviating to the objects of public munificence, but salutary to the government itself.

STEUBEN.

In this county there is no poor-house; the county poor were contracted to sundry persons on the first of March last for one year.

ST. LAWRENCE.

The report of the superintendents embraces nothing beyond the poor-house establishment: No report having been received from the clerk of the supervisors as to the number of persons supported or relieved elsewhere in the county, or the amount of such support. The children in the poor-house have not, during the past year, been sent to school, nor instructed in the poor-house.

SUFFOLK.

This county has no county poor-house, and the poor are supported as formerly, in the several towns; and from the imperfect returns of several of the supervisors, it was impossible for us to make a more full report.

TIOGA.

The superintendents of the poor were first appointed in this county in November, 1830, and it was not until the 20th of December that a place was partially fitted up, for the reception of the poor; and the paupers have not yet generally been removed, on account of extreme bad travelling. Under these circumstances, it is presumed, no report will be expected from this county, until Dec. 1831.

TOMPKINS.

The amount paid to overseers, justices and for transportation, is incomplete, and upon a part, we are unable to form any estimate, not being able to obtain any information respecting them from the clerk of the board of supervisors. In the estimate paid for keepers and officers, is included 70 dollars for male laborers, 26 for female and 60 dollars for physician and surgeon.

WARREN.

The report is made to the first of November. In the item in the table, under the head of paupers and officers, is \$145.59, an allowance made to physicians and surgeons.

WASHINGTON.

We have no means of ascertaining accurately the amount paid for the transportation of paupers, or the amount of allowance to overseers and justices; and we only give an opinion when we say, that the amount of orders for temporary relief will not fall below \$600. But the actual cost of supporting the paupers of this establishment, including food, clothing of every kind, keeper's salary, servants' hire, medical attendance, merchants' bills, purchases of stock, insurance, &c., from 8th Oct. 1829, to 11th Nov. 1830, is \$3,200, which divided by the average number of paupers, (112) during the same period, gives \$26.37 as the annual cost of supporting each, or 51 cents per week.

Owing in many cases to bodily inability, and many more to a want of fidelity in the paupers, we find but little profit in employing them in the ordinary occupations of the farm. We however manufacture our own supply of shoes and stockings.

Although not within the range of duties literally required of us, we feel that there is a propriety in calling your attention to the subject of orders made by justices for temporary relief.

As the law is construed by us, the order must embrace an amount (daily, weekly or in gross) equal to all expenditures to be made.— But upon the order so made, the overseer can expend no more than \$10 without having obtained the sanction of a superintendent. This sanction would seem to be a matter of course; for the superintendent has no means of ascertaining the necessity of the case, other than the assurance of the overseer, for whose benefit this sanction may perchance be required.

This order, when presented at the treasury of the county, entitles the overseer to receive "any sum he may have paid or contracted to pay;" thus allowing the individual to audit and allow his own account, and authorising the responsible officer of a town to thrust his hand unseen into the treasury of the county. It is clearly necessary that a supervisory and controlling power over these accounts should be lodged somewhere; and it has occurred to us, that the public interest would be promoted by lodging it in the hands of the superintendents.

WAYNE.

Enclosed we forward you our report for the year ending on the first day of December instant; and in explanation, we would say that the distinction in this county between town and county poor was abolished in January last, at which time we received our appointment. We held our first meeting in February last, and did not purchase a farm until the 9th of last April. There was on the farm some convenient buildings, and we commenced receiving a part of the poor about the first of May last. In our enclosed report, we have calculated the allowances to ourselves, the physicians, keeper and laborers, from the commencement of their respective services. The keeper commenced on the 19th of April last, and the physicians commenced on the 27th of May last. The whole expense, as rendered in the report, exclusive of the last mentioned allowances, is

composed of monies for provisions, clothing, seeds, and for boarding some of the paupers at other places after they had been delivered at the poor-house. A part of the provisions are not yet expended. Besides the whole expense rendered in our report, there were other sums, to a considerable amount, paid for certain improvements on the farm, for furniture and for stock: these we have not included in the value of the establishment. We have erected additional buildings on the farm during the past season; which, with the permanent improvements on the farm, or the other buildings, we value at \$3,000: this sum is included in the value of the whole establishment. For the want of time to meet the letter of the poor laws during the past year, we have been obliged to collect at the poor-house only a part of the paupers: the residue, which was about one half, has been supported at the expense of the county, in the several towns where the cases occurred, under the care of the overseers of the poor. All charges for paupers so kept, (and nearly all were presented,) were audited by us on the 10th of November last, amounting to the sum of \$2,285.60 cents. We think proper to include in our report the sum only expended at the poor-house; but the expenses of the superintendents (which are greater for services this year than they will be any future year,) more properly apply to costs of the buildings, as the most of their services related to that object. Aside from the extra expenses, the expenses for keeping the paupers for the past year actually provided for at the poor-house, would fall short of 50 cents each per week. The services of superintendents, justices and overseers, are audited by the board of supervisors, and we are unable to report the exact amount of allowances made to the overseers and justices. The buildings are now just finished, and there are but few paupers in the county not collected at the poor-house. Within two weeks from this time, the system will be complete, and the requirements of the law will be strictly observed. Since we audited the poor accounts on the 10th of November last, some expenses have accrued in cases where the paupers could not be received in the poor-house, as well as those where they could not be removed, which remain to be estimated.

We have had but little opportunity to remark on the operation of the poor laws; and we will only suggest the propriety of publishing them in a pamphlet form, for the benefit of overseers and superintendents.

WESTCHESTER.

In explanation of our report, herewith transmitted, we would observe, that there remained at the end of the last year, 159. Since which there has been received 203, and five born in the house; which makes the number set to your first inquiry.

The report will show the expense, as far as it is in our power to ascertain it. The allowance to overseers and justices, we have no means at present to ascertain.

As to the estimated amount in the expense of their support, we had no other data to go on than the expense of the paupers in the county before the poor-house went in operation, and to deduct therefrom the expense of their support for the past year; calculating the

interest of the money the establishment cost, and the result is as stated in the report.

We applied to the institution in New-York to receive the two mutes, and have got them in.

We think we are authorised to say that our county is satisfied and pleased with the operation of the poor-house, and it appears a popular measure.

The children are kept at school in the house, which is conducted by one of the paupers, and they are improving as well as in our ordinary common schools, in our opinion.

P. S. Since the foregoing report was presented to the Legislature, letters have been received from the superintendents of Kings and Cattaraugus counties, giving the explanations which follow in relation to their reports.

KINGS.

The county system was commenced on the 7th April last, consequently not eight months have yet expired. In accordance with the requirement, we have prepared in part the information necessary to making our report for the eight months past ; but finding some difficulty in separating items of expense that have extended into this present month, and having supplies on hand difficult to estimate, we concluded to address you on the subject, and inquire your opinion as to whether it will not be proper, and will meet the requisitions of the law, to make our annual report in December next, which will comprise our operations from the 7th April last, (when we commenced) to 7th April next? We shall find it necessary to make a report to the supervisors at that time, and balance all our accounts for the year.

CATTARAUGUS.

The supervisors of our county neglected to appoint superintendents last year, and it was so near the time which the law makes it the duties of superintendents to make their report, that we considered it useless at this time.

The supervisors have not abolished the distinction between town and county poor. They also thought it not advisable to rent a tenement or purchase any land for the purpose of erecting a poor-house, &c., as our county is new and but few poor in it, who apply for relief. There are but two persons supported by the county, that I have any knowledge of, except one lunatic pauper, who we sent to the lunatic asylum in the city of New-York.

☞ The attention of superintendents, supervisors and the clerks of the boards of supervisors, is specially directed to the 78th section, page 632, of the 1st vol. of the Revised Statutes, which imposes a penalty of one hundred dollars for a neglect of their duties in furnishing the reports required by the statute for the relief of the poor ; and it is made the duty of the Secretary of State to give notice to the District Attorney of any such neglect, to the end that he may prosecute the delinquent for the penalty.

IN ASSEMBLY,

January 28, 1831.

REPORT

Of the select committee on the petition of sundry inhabitants of the county of Genesee.

The select committee, to whom was referred sundry petitions and memorials of the inhabitants of Genesee county, praying for an act to authorise the supervisors of said county to raise money to build a new jail at Batavia in said county,

REPORT—

That they have carefully examined the subject contained in the several petitions and memorials, and from the matters therein stated, and from their own knowledge of facts, have thought proper to lay before the House some of the reasons which have governed them in arriving at a conclusion.

At the annual meeting of the board of supervisors of Genesee county, in November last, at Batavia, a resolution was unanimously adopted, of which the following is a copy:

Board of Supervisors of Genesee county, }
November sessions, 1830.

“Resolved, That the Legislature of the state of New-York be respectfully requested to pass a law authorising the board of supervisors of Genesee county, at their next session, to raise by a tax upon said county, such sum as they shall deem necessary, not exceeding three thousand dollars, for the purpose of building a new jail in said county; and that the clerk of this board transmit a copy of this resolution to each of the members of Assembly from this county.”

[A. No. 67.]

It is acknowledged by all, that the jail of said county is no longer safe for the confinement of prisoners, and cannot be made so by any ordinary repairs. —

That the present court-house, which includes the jail, was erected in the year 1803, and soon after the first survey of the Holland Purchase; and while the county was unimproved and thinly populated, and that all of the principal roads then laid out by the Holland company, and such as have since been established in the vicinity of the present site, concentrate at that point, and render the approach to it from every quarter, convenient for every necessary purpose.

That there is no other point in the county where so much business concentrates; nor could the location of the county buildings, at any other place contemplated by the petitioners, accommodate so well the business transacted in the county.

That with the exception of a part of one town in the south-west corner of the county, which projects six miles beyond its general southern boundary, and another on the east side projecting about three miles, Genesee county is nearly an oblong square, of thirty-six by twenty-six miles. The present jail is upon the great mail route from Albany, both by Canandaigua and Rochester, to Buffalo, and almost exactly upon a medium meridian between the east and west bounds.

The canal, and consequently the points of deposit for all the surplus productions of the county, and the inlets for all the merchandise brought into it, are still north of its northern bounds. When this is considered, and that the Holland land company's principal office, and the Genesee bank are in Batavia village, it must be seen that the public convenience cannot require the seat to be removed further south, any more than that the seats of the North River counties should be removed back to their geographical centres, where no natural, artificial or business advantages exist.

The prominent places spoken of and most strenuously insisted on by those who desire the removal of the county buildings, are one of them within ten miles of the west line of the county, while it is sixteen from the east; another within less than nine miles of the west line, and more than seventeen from the east, while another competing place is within seven miles of the east line, and consequently more than nineteen from the west. Two of these places are not more than seven and an half or eight miles from the

present site, and the third and western-most one not more than eleven miles, and almost *inaccessible* by a direct route to a part of the county, on account of steep and high ridges of land which intervene.

These are the only places to which it is proposed to remove the county buildings, so far as your committee have any knowledge.

It would, in the opinion of your committee, work great injustice to the citizens of the village and neighborhood of Batavia, to remove the county buildings, by renducing its importance as a business place, and consequently depressing the value of real estate, which has been *purchased* by the citizens at an advanced price, with direct reference to the advantages which arise from its contiguity to the present county buildings; all of which advantages, by a removal, would be transferred to the citizens resident at and contiguous to the new site, without any equivalent being given, and without any claim to their possession, except such as are founded in interest.

That the northern part of the county is rich in agricultural products, while the southern is much better adapted to grazing purposes, and hence the northern part is capable of sustaining, and will always sustain, a greater amount of population than the southern.

But there is another view of the subject which your committee feel it their duty to take as connected with the proposition to remove the county buildings.

On referring to the maps of the counties of Genesee, Allegany and Cattaraugus, it is observable that there is a large tract of country comprising the extremities of those counties, which can be better accommodated by being formed into a new county, than by remaining as at present.

The only question which remains to be settled, is, whether it is most expedient to erect a county now, or at some future time. Petitions are now before the Legislature for this object, and as your committee believe, not less than *four* distinct applications of this nature have, or are about to be made. If any of the several proposed applications should be granted, it will leave the present site of the county buildings as nearly central as may be.

Your committee are therefore fully persuaded that to interfere at this time to remove the present site, while these multiplied applications are depending, and perhaps likely to prevail, would be injudicious.

There is still another consideration connected with this subject, of no trifling importance.

The site upon which the county buildings are situated, consisting of the present court-house, which might be rendered commodious by erecting a new jail, a stone fire-proof clerk's office, and including an acre and a half or two acres of land in the heart of the village of Batavia, which was conveyed to the county by the Holland company upon the express condition that it should be occupied for the sole purpose of the county seat.

The ground and buildings will consequently revert to the company if a removal should be made, and thereby a loss would be sustained by the county, probably of six or eight thousand dollars, which together with the expense of erecting new buildings, and purchasing another site, would be onerous in the extreme upon the inhabitants.

Your committee think proper to state, that the supervisors of the county, who are to be regarded as the representatives of the people in relation to all questions of this sort, have not in their resolution, which is herein inserted, expressed any desire, or intimated any opinion, that the county buildings should be removed, nor that any inconvenience exists on account of their present location.

Your committee ask leave to introduce a bill providing for the erection of a jail at Genesee, at the present site, and upon the lands belonging to the county.

No. 68.

IN ASSEMBLY,

January 22, 1831.

ANNUAL REPORT

**Of Jacob Lockman, an Inspector of Lumber, for the
city and county of New-York.**

To the Honourable the Legislature of the State of New-York.

The following is the return of lumber inspected and measured,
from the first of January, 1830, to the first of January, 1831, accord-
ing to the Revised Statutes of the state of New-York.

[A. No. 68.]

1

Amount and quality of Lumber inspected.

Name of Wood.	Qualities.				Measured.	Prices.
	Feet clear.	Feet Mer.	feet, 3d.	feet, 4th.		
White pine, ...	177,717	164,316	93,163	73,044	374,935	\$25 to 30
Yellow pine,	996	.....	.....	.....	16 to 20
Hemlock,	2,016	.....	1,253	.....	8 to 10
Pine scantling,	9,646	.....	15,633	.....	14 to 16
Cedar boards,	9,997	.....	2,137	.....	15 to 13
Basswood,	37,132	.....	.....	.....	8 to 10
Bilsted,	388	.....	.....	.....
White wood,	86,035	.....	110	.....	12 to 15
Beach,	3,758	.....	.....	.....	30 to 35
Button wood,	1,532	.....	3,986	.....	10 to 12
Black walnut,	1,089	.....	.....	.....	25 to 30
Spruce,	34,475	.....	6,377	.....	12 to 15
Hickory,	2,015	.....	1,592	.....	15 to 20
Cherry,	10,083	.....	690	.....	25 to 30
White holly,	2,425	.....	68	.....
Curl maple,	10,741	.....	2,700	.....	35 to 50
Birdseye maple,	21,061	.....	.....	.....	50 to 60
Plane maple,	25,391	.....	5,883	.....	12 to 15
Ash plank,	24,380	.....	4,165	.....	25 to 30
Ash oars,	24,404	.....	6,836	.....	25 to 30
Oak plank,	50,340	.....	30,838	.....	20 to 30
Oak timber,	12,193	.....	7,233	.....	20 to 25
Oak knees, inches	193	.....	173	.....	2s per in.
Locust timber,	300	.....	.....	.....
Locust posts, *	7,391	.....	2,554	.....	15 to 16
Chesnut timber,	
Chesnut posts, †	
	177,717	542,104	93,163	155,099	374,935	

* 1604 pieces.

† 561 pieces.

Total amount Inspected, 968,083 feet, fees, \$363 00
 " measured only 374,935 feet, fees, 99 75

\$462 75

JACOB LOCKMAN,
Inspector.

New-York, Jan. 15, 1831.

IN ASSEMBLY,

January 28, 1831.

SEVENTH ANNUAL REPORT,

Of the Directors of the Central Asylum for the Instruction of the Deaf and Dumb, at Canajoharie, made to the Legislature, January 1, 1831.

To the Hon. the Legislature of the State of New-York, in Senate and Assembly convened.

The Directors of the Central Asylum for the Instruction of the Deaf and Dumb, at Canajoharie, respectfully submit to your Honorable Body the following Report, to wit :

The amount of money received from the treasury of the state, for the support of indigent pupils, during the year ending December 31, 1830, was \$1,473, which sum has been faithfully and economically applied for the purposes contemplated by the several acts making the appropriations.

That this institution is under the control and superintendence of the following gentlemen, to wit :

Rev. Winslow Paige, of Schoharie, Co. President.

Hon. Seth Wetmore, Montgomery, Vice-President.

Rufus Morris, do. Treasurer.

W. R. Wheeler, do. Secretary.

Rev. Charles Wadsworth, do. Superintendent.

And of the following gentlemen, as a Board of Directors :

Hon. Abijah Mann, Jun. of Herkimer county,

Hon. Henry I. Deifendorf, Montgomery do.

Rev. Paul Weidman, Schoharie do.

Hon. Phinehas Randall, Montgomery do.

Doct. Simeon Marcy, do.

Mr. Simon D. Kittle, do.

Mr. Jeremiah W. Gardner, Montgomery county.
 " Steuben Helmer, do.
 Robert Bowman, Esq. do.
 Rev. John Smith, Otsego county.

That the number of indigent pupils, now attending school, is twenty-five. The following is a list of their several names and places of residence, with their respective ages, to wit :

Amariah Babbitt,	Jefferson county,	Aged 22.
Mary Flink,	Oneida "	12
Minard Smith,	Tompkins "	21
Almira Betts,	Saratoga "	18
Robert Bell,	Jefferson "	15
Louisa Cox,	Chautauque "	12
Erastus H. Brewster,	Tioga "	19
William M. Searl,	Lewis "	20
Henry Plato,	Genesee "	14
Levi Chapman,	Chenango "	21
Julia Weeks,	Monroe "	21
John Cramer,	Montgomery "	23
Charles H. Peck,	Herkimer "	12
Maria Guile,	Montgomery "	11
Susan Hale,	do.	16
Catharine Lewis,	Warren "	10
Mariah Lagrange,	Albany "	15
Susannah Lagrange,	" "	11
Amanda Flanders,	Warren "	22
John Smith,	Montgomery "	22
Maria Garlock,	" "	10
Catharine P. Ellarson,	Schoharie "	15
Nancy Philips,	Montgomery "	22
Aaron Hedden,	Wayne "	15
Charity Decker,	Schoharie "	

The number of pay pupils, at present attached to this institution, is seven, viz :

Elisha Bowman,	Jacob Lagrange,
Ann Eliza Bowman,	James Forbes,
Jonas P. Morse,	Chauncey Hyde,
Laura Lyon.	

Making thirty-two pay and indigent pupils at present attached to this school, who are instructed by Mr. Elijah Griffin, a graduate of

Union College, as principal, assisted by Mr. John C. Selleck and Stewart W. Spiers, as assistant teachers.

The pupils are boarded, at private boarding-houses, in the immediate vicinity of the asylum, according to the direction, and under the superintendence of Messrs. Randall, Wadsworth, Walrod, Bowman, and Gardner, as a committee of instruction.

The board of directors would further report, that the school is, at present, in a prosperous condition ; and, in the opinion of the directors, no similar institution, with the same patronage, has done more for the benefit of the unfortunate deaf and dumb.

And further, that ten applications for the admission of indigent pupils, have been unavoidably rejected, for the want of means to support them at the asylum.

All which is respectfully submitted.

By order of the Board of Directors,

W. R. WHEELER, *Secretary.*

Dated at Canajoharie, January 1st, 1831.

DOCUMENTS
OF THE
ASSEMBLY
OF THE
STATE OF NEW-YORK,
FIFTY-FOURTH SESSION,
1831.

VOLUME II.
FROM No. 70 TO 194, INCLUSIVE.

ALBANY:
PRINTED BY E. CROSWELL, PRINTER TO THE STATE.

1831.



*Rec. Lib.
445
Transportation Lib.
5-18-1929*

No. 70.

IN ASSEMBLY,

January 27, 1831.

REPORT

Of the Comptroller, on the Cayuga marshes and
swamp lands.

STATE OF NEW-YORK, }
COMPTROLLER'S OFFICE. }

The Comptroller, pursuant to the act entitled "An act to authorise an investigation of the accounts of the commissioners appointed to drain the Cayuga marshes and swamp lands in the valley of the Soneca river," passed April 20, 1830,

RESPECTFULLY REPORTS:

That as soon as the pressure of his office duties, occasioned especially by the tax sale going on at the time this law was passed, would permit, he commenced a correspondence with the commissioners named in the act, with the persons who had, at different periods, acted as the treasurers of the commissioners, and with those individuals who were more particularly known to him as the accusers of the commissioners, in the discharge of their official duties, for the purpose of fixing upon a time and place which would best accommodate the witnesses to be examined, and of learning the names and places of residence, as far as that could be done before the investigation should be entered upon, of such witnesses.

On the 28th June, subpoenas were issued for all the witnesses whose names were given by any of the persons feeling an interest in the investigation, and were put into the hands of a constable of the county of Cayuga, to be served, returnable at the court-house in the village of Auburn, on the 12th day of July, and on subsequent days in the same week. On the 9th day of the same month,
[A. No. 70.]

the Comptroller arrived at Auburn for the purpose of entering upon the investigation ; and on the 10th, he started, in company with one of the commissioners and several other persons, to view the works upon the Seneca river which had been done under the direction of the commissioners for draining the Cayuga marshes. He passed down the river in a boat from Montezuma, a point above where any work had been done, to Jack's Reefs, the lowest point where money had been expended. This examination was completed and he returned to Auburn on the 11th ; but the very high water in the river gave him little opportunity to see or judge either of the work which had been done, or of its effect towards the accomplishment of the desired object of draining the marshes.

On the morning of the 12th, the taking of testimony was commenced, and continued with reasonable industry until the evening of the 24th, when all the witnesses who had appeared had been examined, and when none of the persons who had attended or taken any part in the investigation, seemed to desire its farther continuance. It was therefore closed on that day.

The attendance of the witnesses did not permit the commencement or prosecution of the investigation in the order of time, and the depositions taken do not permit of any arrangement which will give a connected and unbroken history of the progress of this work. They are, however, herewith transmitted, arranged in the order which appears to the Comptroller at least as likely as any other, to give the reader a just impression of the facts which they contain.

As it was desirable to make the expenses of the investigation as small as possible, no clerk was employed, and none of the depositions have been copied. Every deposition was carefully read to the witness making it, and such corrections were made as he suggested or desired, when his signature, in his own proper handwriting, was placed to his testimony thus given.

The original depositions, thus taken and signed, are those which accompany this report ; and they are so voluminous that the Comptroller has not attempted to make copies to preserve.

Should this testimony be ordered printed, this fact may cause some inconvenience, as it may be difficult to collect and preserve these originals, if they are used by the printers for the purpose of

obtaining a proof. So far, however, as any difficulty on that score can be obviated by directing the Comptroller to examine the proofs taken, he will most cheerfully obey such direction.

Being aware that the personal examination of a witness may convey to the mind many impressions which cannot be communicated with the written evidence of such witness, however truly transcribed, but which may still be of importance in giving testimony, thus written, its just weight and force, and inasmuch as the testimony herewith communicated embraces depositions from four of the persons who have, from time to time, acted as commissioners for draining these marshes, and from the two persons who only have acted as the treasurers of the commissioners from the commencement of the expenditures, the Comptroller feels it a duty to say, both in justice to these individuals and to those who shall examine the evidence given by them, that he was not conscious of discovering, in the course of the examination of either of these persons, any evidence of a design to suppress facts inquired after, or facts which they supposed important to the object of the investigation, or any inclination to equivocate or evade direct answers. In many instances, a want of that distinctness of recollection which would have been highly satisfactory, was observable; but he is not able to say that he saw instances of this kind which carried to his mind the belief that the forgetfulness was assumed, or was incredible. On the contrary, the lapse of time which had run upon many of these transactions, the great number and variety of the transactions which formed the subject of inquiry, and the loose manner in which the whole business appeared to have been done, seemed to him to render want of minute remembrance more than probable.

In short, the best impression, derived at the time, and still entertained, from a careful re-perusal of the evidence is, that as well the depositions of the persons last named, as those of all the other witnesses examined, will, upon being attentively read and thoroughly examined, convey to the reader opinions and views, more nearly similar to those which would have been derived from a personal examination of the witnesses, than is usual in testimony of this description.

The Comptroller is well aware that the Legislature will expect from him some analysis of this testimony, and some application of it to the accounts as exhibited in his office, that they may the more

readily understand the subject, and see the points, if any, which call for their further interference. An attempt has therefore been made to classify these expenditures, so far as they are susceptible of classification, and to accompany a particular reference to the vouchers, with a general reference to such depositions as most directly show the history of that part of the work to which each class of expenditures relates. Such remarks also, as were suggested by this minute examination of the accounts with the evidence, will be found interspersed with the references to the depositions. In order to make such a statement intelligible, an entire abstract of all the vouchers rendered to this office, distinguishing each rendition, and the numbers of the vouchers upon each, for the respective sums of \$10,000, as drawn from the treasury, is necessarily furnished, and precedes the statement. These papers were found to constitute so long and tedious a document, and to consist so considerably of figures and calculations, that the idea of incorporating it in this report was abandoned, and the conclusion was adopted of annexing it as an accompanying explanation.

From an examination of this document, it will be seen what payments, which have been in fact made, were authorised by the contracts under which they purport to have been made; what payments have been made beyond the contract prices of the work, towards which the vouchers shew that the money was paid; what vouchers are ascertained to have been taken for amounts greater than the sums actually paid upon them; and what vouchers have been drawn and receipted, and the money obtained upon them by indirection, and without an intent to apply it to the purposes indicated upon the face of the voucher. This exhibit of the expenditures will also show the amount of moneys yet unaccounted for, in the hands either of the commissioners, or of their treasurer, and the descriptions of property which, in the course of the progress of this work, the commissioners have acquired, and which remains in their hands as part of the draining fund.

In regard to that part of the expenditures set down in the statement as being accounted for, nothing can be added to the relations given in the depositions.

They are believed to contain substantially the facts upon the subject, or, in any event, they do contain those facts, so far as the Comptroller has been able to ascertain them by the investigation which he was directed to make. If, therefore, they should not prove satisfactory to the Legislature, still they embrace all the

information in his possession, and comment upon them, from him, would add nothing to the understanding of that portion of the accounts, which will be acquired from a reading of the evidence and a comparison of the facts sworn to with the different portions of the expenditure as classified in the annexed statement.

Overpayments will be seen to have been made upon three contracts. The first in order being that upon the Richardson contracts, is only the trifling sum of fifty-two cents, and would, were it the only case in which this has happened, be undeserving of this notice. The testimony goes to show, that this payment beyond the amount due upon the contract, must have arisen from a mistake in casting that amount, and the trifling sum which was overpaid strongly corroborates this hypothesis.

The second overpayment, which has been discovered, is upon the second contract with William L. Perce, and amounts to five hundred and twenty-five dollars. The affidavit annexed to the deposition of Jethro Wood, is the only account given in the testimony, of this very considerable payment, beyond the contract price of the work to be done. Here also mistake in calculating the amount due upon the contract is assigned as the cause of the error, and this the acting commissioner, and the person who transacted the business, says upon his oath is the true cause. It must be admitted that this declaration shows an inexcusable carelessness in the management of the accounts of so high a trust, and that the magnitude of the error, should, of itself, have been the cause of its own detection, had the care and vigilance due to the subject been kept in exercise.

The effect however of this overpayment upon the fund entrusted to the commissioners, and by which it is presumed their responsibility must be tested, involves many other considerations.

The testimony will show that Perce, the contractor, left this work about the last of February, 1828, and that, previous to that time, he had drawn himself, from the commissioners, to be applied upon his second contract, including the endorsement of \$5,673.79, made upon it at its date, the sum of \$12,673.79. Before he left, he constituted Isaac Negus his agent and attorney to go on with the contract, and Negus continued in the charge of the work until sometime about the first of August, 1828, when he left it, having drawn from the commissioners, to apply upon this contract, before he left, the sum of \$10,254.00. The whole price of the work to be done un-

der this contract, at the time it was made, was just \$24,000.00, as will be seen by the copy of the contract annexed to the deposition of Perce.

The payments before mentioned, as having been made to Perce and Negus, up to the time Negus left the work, amount to \$22,927.79, leaving unpaid upon the contract but \$1,072.21. After Negus left, Perce, at the particular solicitation of the commissioners and others, constituted John Buck his agent and attorney to go on with the contract. On the 4th August, 1828, however, as will be seen by the abstract, rendition H, voucher No. 12, Perce himself drew \$25 to apply upon this contract. On the 15th of the same month, Buck made his first draft, as the attorney of Perce, of \$500, and on the 18th he made a second draft in the same character and for the same amount. See abstract, rendition H, vouchers Nos. 11 and 14. This left but \$47.21 to be drawn, to complete the full contract price of \$24,000.00; and still, on the 11th October, 1828, see abstract, rendition H, voucher No. 18, the commissioners gave him a draft upon their treasurer for the sum of \$572.21, upon which he, as the attorney of Perce, received the money, being just \$525 more than the amount then due upon the contract, at the contract price of the work.

Buck testifies that Mr. Wood, the commissioner, told him when he gave him this last draft, "that it was the amount due to Perce upon his contract, and that it completed the full payment, at the contract price, but that there was some extra work which had not been paid for." He also testifies that the money received upon this last draft "he paid out to the hands and for necessities to carry on the work." If, therefore, the faithful application of the money obtained upon this last draft alone were to be inquired into, to test the responsibility of the commissioners to account for this over-payment, this proof would seem to afford them an equitable defence against any further liability.

But the preceding remarks, in relation to the payments upon the second contract with Perce, have shown what the proofs and papers submitted will more fully show, that at the time of closing the first and entering into the second contract, which were simultaneous acts, Perce had received payments in advance of the work done to the amount of \$3,173.79, including the machines at the price of \$1,700. Still it appears, that on that day he was paid a further ad-

vance of \$2,500, thus putting into his hands at that time, beyond the amount of work he had done, the sum of \$5,673.79, which sum will be found endorsed upon his second contract, at its date.— Whether this money was or was not faithfully expended upon the work at a period subsequent to this time, together with the other monies drawn by Perce and Negus under Perce's second contract, is a question left rather to inference from, than decided by, the testimony.

It will be seen by the deposition of John Jackway and of Noah Dennis, that the rule which the commissioners had laid down for themselves was, not to make advances faster than to cover the work actually performed according to the contract price, having reference to the character of the work done and to be done, in making their estimates with a view to these advances. Dennis also testifies that he was often called to make estimates and measurements with a view to advances, and several of the witnesses state generally that, in their opinion, the actual value of the work performed was fully equal to the money paid. David Thomas, the person appointed the engineer of this work by the act of 1826, speaking of the whole work which has been done under the direction of the commissioners, uses the following language:—"Witness knows about the amount which has been expended for draining these marshes, and understands it to be between \$98,000 and 99,000; and more has been done already than he expected would be done with that amount of money." Of this general character is the testimony, so far as there is any testimony, to prove the relation between the value of the work done and the amount of money it has cost. The contractors, so far as they have been personally acquainted with the subject, generally testify that the work they performed was equal in value with the money they received; but as to that part of the second Perce contract, performed under the superintendence of Negus, none of the witnesses possessed the information which would enable them to give even this proof, any further than it is given in the deposition of John Jackway and confirmed by that of Jethro Wood.

It is certainly clear, however, that in the instance above referred to, the commissioners, in their advances to Perce, greatly exceeded their rule, and that whatever may have been the value of the work afterwards done by him, he was, at the making of the second contract, greatly in advance of his work, and that he also then received a further payment of \$2,500. The reason for making this latter

payment is not shown with sufficient distinctness, though it was alleged in palliation of the large advance to Perce at this time, that the machines, at the price of \$1,700, constituted part of it; and that, in entering upon his second contract, he found it necessary to increase his force upon the work, and consequently to procure an addition to his teams, tools, &c. How far considerations of this nature may be held by the Legislature as justifying the commissioners in suffering him to run so far into their debt, is for that body to determine; but surely the course was a hazardous one, and though in that contract they secured a lien upon the personal property of Perce, employed upon the work, subsequent events have shown that the security so obtained has availed them much less than the advance made on the day it was taken.

Another transaction also tends to show that the rule as to making advances was, under this contract, very loosely observed, and that sufficient care was not taken to watch the progress of the work, as connected with the money paid. It has been before seen that advances were made to Negus as the attorney of Perce, to almost half the amount of the whole sum to be paid upon this contract. It will be seen from the testimony that at one time he was found to have \$1,250 of the money so advanced to him laid up in his trunk, and under circumstances justifying the belief that he did not intend to pay it out upon the work. Of this sum the commissioners obtained \$1,000; and the proof shows that the remaining \$250 were properly paid towards the performance of the contract, and that the voucher given by him for the \$1,000 returned to the commissioners, was surrendered to him and destroyed at the time. It is true that John Buck testifies that when he took possession of the work, as the agent of Perce, he found about \$700 due to the hands who had been at work under Negus, and that he thinks most of the money he had laid up, in this way, was money due to the hands and for debts contracted in the prosecution of the contract, which were unpaid.

The transaction will be found particularly related in the deposition of John Jackway, and, while it is not seen that it furnishes any proof of intended wrong on the part of the commissioners, it would seem to afford strong ground to believe that too much confidence was reposed in an unworthy man, and that advances were made too liberally for the safety of the fund entrusted to their care.

It will also be noticed, as connected with this subject, that the money paid upon this contract, including the overpayment, by no

means completed the work contracted to be done, and that \$3,129.20 cents, was paid to John Buck to finish the drain, after he had expended all the money drawn by him as the agent of Perce. This fact renders the looseness of the advances upon that contract much more unsatisfactory, as it prevents the possibility of determining whether the money contracted to be paid, could have been made to complete the work, if a sufficient amount of it had been withheld to have fully tested that experiment.

Mr. Wood, in his affidavit accounting for this overpayment, speaks of extra work done by Perce, and in a manner to induce the belief that he would be understood to consider the extra work so done, equal to the value of the overpayment. How this fact may be is not known, as it was not understood, at the time of the examination, that any payment had been made on this account, and therefore no inquiries were made respecting it.

These are the considerations which have seemed to the Comptroller to connect themselves with the subject of the liability of the commissioners to account for this overpayment, and he has therefore thought proper to suggest them to the Legislature, upon the decision of which body, the commissioners must rest themselves for the settlement of that question.

The third overpayment referred to, was that of the five dollars to John Buck upon the settlement of his contract to lower the bars in the bed of the river at Jack's Reefs. This was undoubtedly a mistake, not discovered by any of the parties, until Buck was upon his examination, and his immediate re-payment of the amount afforded the best evidence of the truth of his testimony that he had then, for the first time, learned the existence of the error.

This re-payment has put at rest all question as to liability, and restored to the fund its due.

It is understood to have been alleged, that a payment of \$1,500 was made to Perce upon his second contract, after he had left the work, and when the commissioners knew he was about to leave the state. This allegation did not reach the Comptroller until since the investigation, but it is proper to say, that no proof of any such fact was discovered. It will be seen by the deposition of Perce that on the 21st February, 1828, he drew \$1,500, and he says that at about this period he constituted Negus his agent and left the work,

but it was not understood from him that he had left the work when the payment was made. Of the expenditure of that payment nothing is said in his deposition, other than what is said in relation to the expenditure generally of all the money he received.

The only voucher which has been discovered to have been taken for a greater sum than was actually paid upon it, is voucher No. 18 of Rendition D, upon the abstract. This draft from the commissioners was for \$1,400, and the receipt taken upon it was for \$1,400, which draft and receipt were returned to this office and passed to the credit of the commissioners, through the hands of their then treasurer, George W. Fitch. It is shown by his testimony, that he gave his check upon the Bank of Auburn for the amount of the voucher, at the time it was taken, and that it is now ascertained that but \$890 were paid upon the check at the bank, leaving the sum of \$510 unpaid. This voucher was never corrected, though it will be seen that in the settlement with the Richardsons, only the amount paid was charged to them, and that they gave other vouchers for all the other moneys they received. The effect therefore was to leave the above amount of \$510, in the hands of the treasurer unexpended, but for which he had received and returned vouchers to this office.

The treasurer was notified of this conclusion in December last, and on the 4th day of the present month he paid the amount, (\$510) into the treasury of the state. This puts at rest all further question upon this point, and the fact should be here stated, as it is upon the face of the deposition of the treasurer, that the first knowledge of this transaction was voluntarily communicated to the Comptroller by the treasurer himself.

Another transaction is detailed in the testimony, and particularly in the depositions of John Jackway and John Buck, which probably has called up more suspicion against the moral integrity of the commissioners than any other of their official acts. It is related substantially as follows: All the money had been paid upon the second Perce contract which was to be paid upon it, and which was to have completed the drain. Still that work was not completed, but, on the contrary, the dam constructed at its head, to keep out the water of the river, while the excavation was performing, had given way, and the drain, partly finished, was filled with water. John Buck, who had last acted as the agent of Perce, the contractor, was on the work with

his hands, but without funds. The commissioners supposed they could make no more drafts upon their treasurer, on account of this work, as the contract with Perce, and which they had paid in full, was, by express covenants upon its face, to complete it. Perce was confined in the jail of the county upon legal process, and could not even visit the work ; the sureties to the contract were not able to respond for Perce's failure ; and the only security left with the commissioners was the mortgage upon the personal property of Perce, contained in the contract. The use of this property was required to complete the work, and in any event, it could not be converted into cash, to meet the then present necessity.

Buck had held a conversation with one of the commissioners, in relation to the contract about to be made to lower the bars in the bed of the river at Jack's Reefs, and the commissioners had promised him that contract. On the 14th October, 1828, the commissioner, Wood, came to Buck, and told him that he must receipt vouchers purporting to be for money to be expended upon the work in the bed of the river, but really for the purpose of raising money to go on with the drain, and that, when the drain should be completed, the commissioners would make the money out of the Perce property mortgaged to them, and replace it. Wood gave to Buck the form of a draft upon the treasurer of the commissioners, and Buck, under his direction, drew two drafts in his own favor, each for \$1,000 ; the one dated the 14th, and the other the 16th day of October then instant, to which Wood signed his name as commissioner. Buck then took the drafts and wrote upon the back of each a receipt for the amount, of the same date with the draft, which receipts he signed, and returned the drafts, thus receipted, to Wood. The receipts were to the treasurer of the commissioners, and the drafts both purported to be for work done in lowering the bars in the Seneca river at Jack's Reefs. Jackway, the other commissioner, was not present at this time, nor were the drafts then signed by him. Buck, however, tells Wood he had signed receipts for \$2,000, and that, to prevent accidents, he ought to have something to show that he had received no money upon them, and Wood gave him certificates to that effect, copies of which will be found annexed to Buck's deposition.

An arrangement was then made with Buck to go on and complete the drain, upon the terms mentioned in his testimony, and he renewed the work. Wood presented these drafts to the treasurer of the commissioners, and received the money upon them, from which he

occasionally made advances to Buck, to go on with the work upon the drain.

On the 15th December, 1828, another draft of the same purport and description, was made for the sum of \$570.55, which was in the same manner receipted by Buck, and delivered to Wood, and a similar certificate was given from Wood to Buck, that he had received no money upon the draft.

The work upon the drain went on, and Wood continued to make small advances to Buck towards the expense, until he had paid him, in the whole, the sum of \$1,484.54. This left remaining in Wood's hands, of the money obtained by him upon these three drafts, the sum of \$1,086.01; and here this matter rested till the fall of 1829, when, the history of the transaction having been reported to this office, a letter was addressed to Mr. Wood, informing him of the report, and calling for an explanation of it.

Soon after the receipt of this letter, as Jackway testifies, Wood was called upon by him to account for that money, and, upon that accounting, was allowed by Jackway, upon accounts then presented, the sum of \$330.89, and his note for the balance, \$755.12, was taken and deposited with the treasurer of the commissioners. A detail of that accounting will be found in the deposition of Jackway, and a minute examination of it is given in the statement of the expenditures herewith transmitted, which will supersede the necessity of a repetition of it here. It will suffice to say, that it does not at all mend the character of the transaction, and that the conclusion to which the Comptroller has come is, that, at most, but \$166.89 of the \$330.89, allowed to Wood was correctly allowed, and that, of the money received upon the drafts, \$919.12, still remains in his hands to be accounted for, being \$164 over and above the note he has given.

The depositions will present the only apology for this transaction which has been given to the Comptroller, and it is for the Legislature to draw from the facts, such conclusions as they shall believe to be warranted.

It should be remarked, as to the commissioner, Jackway, that all the three drafts were signed by him before they came to this office, and he expressly states that he consented to this course of drawing the money, and was present when the last draft was drawn;

but it does not appear that any of the money came to his hands, and he swears that he did not know that any of it remained in the hands of Wood, until after the receipt of the letter from this office. It may be well also to notice, that after the payments made by Wood towards Buck's work upon the drain, there remained due to Buck, for that work, the sum of \$1,644.66 ; that \$500, of this sum, was paid to him in still another draft of precisely the description of those before described, bearing date 25th April, 1829, but that this draft was delivered to Buck, and he himself received the money upon it from the treasurer of the commissioners when he gave his receipt. The residue of the sum due to Buck, being \$1,144.66, was paid to him out of the avails of Perce's property mortgaged to the commissioners.

From the above facts it will appear, that \$3,070.55, of the money appropriated by the state to drain the Cayuga marshes, has been drawn from the treasurer of the commissioners upon drafts purporting to be for work done in lowering the bars in the bed of the Seneca river at Jack's Reefs, none of which has been applied to that work, but \$1,984.54 of it has been paid to John Buck, towards completing the second Perce contract, which had been previously paid in full, and the residue of which either remains in the hands of the commissioner, Wood, or has been accounted for by him in the manner related in the deposition of Jackway. It will, therefore, remain for the Legislature to decide, not only as to the amount of the balance for which Mr. Wood has not accounted, but also as to the responsibility which the commissioners have incurred, from having applied this money, not to work for which it purported to be drawn, but to work previously contracted to be done, and the full contract price of which had been paid.

In this view of the case, the testimony in relation to the whole value of the work done, compared with the whole amount of money expended, will be, to these officers, very important, as will also the testimony in relation to the great unanticipated expense occasioned by the breaking away of the dam at the head of the drain, as before mentioned. This latter accident will be seen, from the testimony, to have occasioned a very material addition to what would otherwise have been the cost of the completion of the Perce contract.

The balance remaining in the hands of the commissioners and of their treasurer, upon whatever footing the Legislature shall determine their responsibility is to rest, will be so easily seen, from the an-

nexed statement of their accounts and expenditures, as to supersede the necessity of any remarks upon that head in this report.

The Comptroller does not, however, feel at liberty to pass unnoticed, the manner in which this public money has been handled, disposed of, and disbursed, in the hands of the present treasurer, as shown by his own deposition. Loans have been made to individuals, and notes taken therefor ; exchanges of notes and other securities, have passed and repassed between him and persons executing vouchers to him as for money actually paid ; sums of money have been given to one of the commissioners to disburse at his discretion, merely holding him responsible to produce vouchers in the proper form, for the amount ; and private debts of the treasurer have been made to answer, instead of money, towards the payment of drafts from the commissioners in favor of the debtor. Indeed, the whole business seems to have been transacted, between the treasurer and the acting commissioner, in the loosest manner in which private individuals, having entire confidence in each other, transact their private business. The check, which the law of 1825, must have intended to impose upon the commissioners, by confining this money to the hands of their treasurer to be disbursed, and not letting any more of it reach their hands, than what should be due to them for their individual services, has been entirely lost sight of, and this commissioner, and not the treasurer of the commissioners, has been, to a considerable extent, the disbursing officer, for the last \$20,000 drawn.

It is not designed to say that abuses have grown out of this practice, but that the practice was contrary to the law, and well calculated to favor abuses. The necessity urged as, and excuse for it, was that much of the work was doing at places remote from the residence of the treasurer, and at several places remote from each other, at the same time ; that the money was to be disbursed in small sums, and that it would produce great inconvenience to the laborers to be compelled to go to the office of the treasurer as frequently as they required to be paid. It was no doubt true that towards the close of the work, nearly or quite all the persons employed were at work by the day or the month, and at a variety of places remote from each other upon the Seneca river, and from the treasurer's office. But it would probably be more just to say that these facts showed the necessity of a change in the law, or a change in the location

of the treasurer's office, than that they made it necessary or justifiable to disregard the provisions of a positive statute.

The manner of obtaining the voucher from John Buck, dated 8th August, 1829, for \$3,410 is also deemed to have been entirely objectionable; and the necessity which the treasurer labored under, as described by himself in his deposition, of resorting to this indirect mode of obtaining vouchers for the public money he had drawn, shows still more strongly the manifest wrong of indulging in the practices before complained of, to wit: of making loans of this money and of advancing it to the commissioner, in violation of the statute.

Another accusation has been made against the commissioners, arising out of the following circumstance.

At some period during the time Negus was acting as the agent of Perce, suspicions were excited as to his faithfulness in the disbursement of the money paid to him, and by an arrangement with the commissioners, he consented to give bail for his good conduct in this respect. Accordingly, a bond was executed by Negus, with sureties considered sufficiently responsible, conditioned for his faithful expenditure upon the work, of all the money advanced to him.— After he left the work, as before related, this bond was a subject of settlement between the sureties of Negus and the commissioners. In reference to that settlement, John Jackway testifies as follows:— (See the closing paragraph of his deposition.) “When the settlement was made with the bail of Negus, witness, with Mr. Wood and others, spent three days in a careful examination of the accounts; and the result of their inquiries was, that he had done more work, by several hundred dollars, than he had drawn money, and for that reason it was, after taking the advice of counsel, that they gave up the bond.” The subject of this bond will also be found mentioned in the deposition of Royal Torrey; and Torrey expresses the opinion that Negus paid upon the work the money left in his hands, after the commissioners had taken the \$1,000 from him, with the exception of about \$70, “which he thinks he carried away with him.”

Still the accusation has been made, that Negus went away with a large sum of money advanced to him remaining in his hands unexpended, and that the commissioners surrendered to his sureties the bond they held, without obtaining indemnity for the money thus taken away by him. This charge, however, would seem to be refu-

ted by the testimony of Jackway, while it is believed that it will not be found to be supported by any part of the evidence taken.

The contract with Buck to lower the bed of the river at Jack's Reefs has been made the subject of much conversation and much accusation in reference to the commissioners, and especially in reference to Mr. Wood. The grounds of complaint have been, principally, that John Wood, the son of the commissioner, was made a partner with Buck in that contract improperly, and through the interference and favoritism of his father; and that in the manner of settlement of that contract a greater price was paid than the contract would have allowed, had the settlement been made according to its terms. The testimony of the commissioners upon these points, so far as relates to the history of the making of the contract, the manner of the settlement made of it, and the reason for adopting that mode of settlement, will be found in the deposition of John Jackway, confirmed by Wood in his deposition. John Buck also gives the relation of all the particulars in regard to the making of this contract, to the admission of John Wood as his partner in it, and to the execution of the work under it, and he will be found substantially to confirm the relation given by Jackway.—Jethro Wood in his deposition expressly denies the charge of favoritism or improper influence, in obtaining the admission of his son as a partner; and the engineers, David Thomas and Noah Dennis, give an estimate of the work made by them, not from an actual measurement or examination made at the time, but from their knowledge previously obtained, of the character of the work, and from a measurement made by Daniel D. Thomas.

If their estimate be correct, and allowance be made for the work done, not included in the estimate, the cost of the work, upon a settlement made according to the terms of the contract, would have been considerably greater than the sum actually paid according to the mode of settlement adopted. Other witnesses, however, among whom are Royal Torrey, Daniel H. Richardson, and some others, value this excavation at a much less price per yard than the estimate of these engineers, and the question whether the sum actually paid, was more than the contract would have allowed, or was less than that sum, must depend very considerably upon the weight to be given to the respective opinions of the witnesses as to the value per yard of the excavation. Another question, however, will be found to involve itself in the determination of this point, which is

as to the work not included in either of the estimates. It is the opinion of some of the witnesses that the manner of constructing the dams to turn the water off from this work, was unnecessarily expensive, and that the whole cost of putting in and working the bailing-wheel, was useless and entirely lost. Others testify that the plan pursued was the only one practicable, in the state of the river when the work was commenced, and that the contrary opinions entertained, proceed from having visited the work when the water in the river was very low. The most material part of the testimony, upon these points, is to be found in the depositions of Buck and Torrey, and in some respects, their recollections of the facts vary materially, while, as to the main question, they differ entirely in opinion; and the one seems not only to believe that the design was to prosecute the work upon the best plan and most economical mode, but that it was in fact so executed, while the other supposes he could have done the work at much less cost, and in a much more simple manner.

It is presumed, in a controversy of this description, that the question of good faith in the commissioners and contractors, as to the plan of the work, will be considered the material point to be decided, and the testimony herewith transmitted, presents to the Legislature the same means of forming an opinion upon that point, which are, or have been presented to the Comptroller.

The charges of some of the commissioners, and especially of Mr. Wood, for official services, present still another point which will occupy the attention of the Legislature. In order that the charges themselves may be easily examined, and that a comparison may be easily made, if this should be desired, between the charges of the different commissioners, a full abstract of each voucher, showing the time charged by each commissioner, the time covered by each voucher, and the whole amount paid to each commissioner for his services, will be found under its proper head in the annexed statement of the accounts and expenditures. The depositions of the commissioners themselves, so far as they were examined, will show the account they give of their respective services, and of their respective charges therefor, and the depositions of several other witnesses, and especially of Royal Torrey, will express their opinions upon the propriety of these charges, and will detail the facts upon which those opinions were founded.

The dates, also given in the abstract of the vouchers, will show the time, or about the time, from which to which each person has acted as commissioner.

It will be seen that most of these payments have been made to John Jackway and Jethro Wood, and that about three-fifths of the whole amount paid for commissioners' services has been paid to Jethro Wood. Jackway was appointed a commissioner, by the act of the 17th April, 1826, and has acted from that time to the present, and Wood was appointed early in the year 1827, and has continued in the office from that time. The whole sum paid for commissioners' services, is \$3,960.09, and of this sum there has been paid to Jackway, \$1,056.25, the last payment having been made on the 10th June last, and to Wood, \$2,337.50, the last payment having been made on the 9th June last. It should also be noticed that, since the time of the appointment of Mr. Wood, there has been but two commissioners acting for any considerable portion of the time, a Mr. Richmond having been appointed, who declined altogether to accept the office, and Mr. Howland having charged but four days' services. This would necessarily leave the whole services to be performed by the two, and of those, it will be seen from all the testimony, that Mr. Wood was made the acting officer. He removed from his residence, in the town of Cato, to Montezuma, to be near the work, and he had the continued and immediate charge, so far as the presence and services of a commissioner were necessary, and where one alone could discharge the duty. Mr. Jackway lived at some distance from the work, and was called when consultation and advice were desired, or when Mr. Wood was unable to attend to the business.

It should also be observed, that much more of the personal attention of a commissioner would seem, from the whole history of the work, to have been necessary, after Perce left his second contract, and after that work was carried on by agents, than could have been required when the business was progressed in regularly under the superintendence of the contractors in person. The same may be also said of the work which was done by the day, without any contract, and of the work doing in this manner at several points, remote from each other, at the same time. These considerations will not be overlooked in forming an opinion upon the justice of these charges.

Still, however, it must be confessed that the charges of Mr. Wood, during most of the period in which he has held the office of

commissioner, have made his pay more nearly a salary, equal to \$2.50 per day, for the year, than could ever have been contemplated by the Legislature. Indeed, he states in his deposition, what is evident from his charges, that, for a considerable period, he had designed to charge the whole time, except Sundays, but that he had not designed to charge those. His deposition furnishes the only reasons for his so charging his time, which have been given, and it is believed they will appear to be too general to prove perfectly satisfactory. The work stopped entirely in January, 1830, and it is surely somewhat difficult to see how it could have been necessary for Mr. Wood to have occupied the whole, or even a majority, of his time from that date till the 9th of June. Yet it will be seen that one of the reasons he assigns, to wit: that he had law suits to attend to, had some foundation in fact. The expenses incurred for these, and for an arbitration with Perce, are classed under a separate head, and such remarks are made, in the annexed statement, as will direct the attention of the Legislature to this class of these expenditures.

All the charges made by any of the commissioners for services have been passed to their credit at this office, and should the Legislature consider those credits improper, it will be necessary for them to direct the alteration to be made.

It may not be improper for the Comptroller to take this occasion to remark, that officers of this description are frequently appointed by acts of the Legislature and otherwise, whose compensations are regulated by a stipulated per diem allowance, for the time actually and necessarily employed, while no mode is prescribed of ascertaining either the time expended or the necessity of the service. In these cases the official certificate or signature of the officer, to the charges he makes, has been considered at this office all the evidence upon these points which could be required. It is, in the nature of the case, impossible that the Comptroller can know any thing of the correctness of the amount of time charged, or of the necessity of its employment; and he has therefore considered the official responsibility of the officer the guard which the Legislature intended to establish against improper claims of this description. Yet complaints are not unfrequent, and probably not always unfounded, against abuses in these allowances.

There are probably many other subjects arising from the testimony herewith transmitted, which might justify remark, but the Comp-

troller is admonished by the great extent to which this report and the accompanying statement have been already drawn out, that he may be rather confusing than elucidating the subject; and as all the facts within his knowledge, and upon which any suggestions from him would be founded, are herewith communicated, it will be in the power of the members of the Legislature, for themselves, to correct any errors into which he may have fallen, and to supply any omissions which may seem to have required his attention.

All which is respectfully submitted.

SILAS WRIGHT, JR.

Dated Albany, 27 Jan. 1831.

The accompanying papers are—

Document No. 1—An Abstract of the Vouchers rendered.

“ “ 2—A Statement and Classification of the Expenditures.

“ “ 3—The Depositions taken, numbered from No. 1 to No. 27, both inclusive.

DOCUMENTS.

(No. 1.)

An Abstract of all the Vouchers which have been rendered to the Comptroller's office, and passed to the credit of the account of the Commissioners for draining the Cayuga Marshes.

RENDITION A.

1825.

	No.		
July 29,	1	Love Newlove,.....	\$78 03
Aug. 13,	2	John M'Fadden,.....	250 38
Sept, 12,	3	Farrand N. Benedict,....	408 31
July 12,	4	John W. M'Fadden,.....	291 01
"	5	John W. Sawyer,.....	291 40
Aug. 13,	6	John M'Fadden,.....	35 75
"	7	do for Joseph Divine,	35 53
"	8	Conrad Fryzine,.....	37 50
"	9	Isaiah Irvin, jr.	37 50
"	10	Selah Divine,	29 25
"	11	Jehiel Parks,	87 50
Oct. 19,	12	Elijah Snow,.....	30 00
"	13	do	10 00
"	14	T. M. Skinner,.....	1 75
Aug. 18,	15	Israel J. Richardson and Brothers,	2,000 00
Nov. 26,	16	do do	1,000 00
"	17	do do	500 00
"	18	do do	500 00
Oct. 19,	19	do do	2,000 00
Nov. 19,	20	Asher Tyler,.....	5 00
Aug. 31,	21	David Thomas,.....	59 03
Dec. 23,	22	Noah Dennis,	100 00
"	23	Asher Tyler,.....	100 00
"	24	Israel J. Richardson and Brothers,	1,100 00
"	25	Ira Hopkins,	169 93
26,	26	Job Tyler,.....	83 00
27,	27	do	5 00
"	28	John W. Sawyer,	29 82
"	29	Ira Hopkins,	7 50
"	30	John M'Fadden,.....	144 92
"	31	do	170 12

Amount carried forward,.. \$

Amount brought forward,.. \$

1825.

Dec. 27,	No. 32	John M'Fadden,.....	127 50	
23,	33	Israel J. Richardson and Brothers,	273 78	
26,	34	George W. Fitch,.....	50 00	
			<hr/>	
			\$9,999 51	\$9,999 51

RENDITION B.

1826.

Feb. 4,	1	Israel J. Richardson and Brothers,	\$225 00	
21,	2	do do	2,000 00	
14,	3	do do	2,000 00	
Mar. 21,	4	do do	4,000 00	
April 27,	5	do do	1,500 00	
June 26,	6	Job Tyler,.....	17 50	
24,	7	Ira Hopkins,.....	31 25	
" 8	8	Noah Dennis,.....	82 94	
" 9	9	do	15 70	
" 10	10	David Thomas,.....	7 50	
" 11	11	John Jackway,.....	17 50	
" 12	12	Asher Tyler,.....	12 50	
" 13	13	George W. Fitch,.....	82 52	
" 14	14	Squire Mauro,.....	7 59	
			<hr/>	
			\$10,000 00	\$10,000 00

RENDITION C.

July 12,	1	Israel J. Richardson and Brothers,	\$3,000 00	
June 27,	2	do do	2,000 00	
Aug. 10,	3	do do	1,150 00	
Sept. 2,	4	do do	1,188 00	
" 5	5	do do	200 00	
Aug. 1,	6	Noah Dennis,.....	47 68½	
Sept. 7,	7	John Buck,.....	200 00	
8,	8	David Thomas,.....	18 75	
" 9	9	John Jackway,.....	12 50	
27,	10	Israel J. Richardson and Brothers,	2,000 00	
28,	11	George W. Fitch,.....	85 00	
" 12	12	David Thomas,.....	17 50	
" 13	13	John Jackway,.....	15 00	
" 14	14	Squire Mauro,.....	15 00	
" 15	15	do	15 00	
" 16	16	Asher Tyler,.....	3 75	

Amount carried forward,.. \$

Amount brought forward,.. \$

1826.

	No.			
Sept. 28,	17	Israel J. Richardson and		
		Brothers,	31	81½

\$10,000 00 \$10,000 00

RENDITION D.

Oct. 23,	1	Israel J. Richardson and	
		Brothers,	\$375 00
	20,	do do	500 00
Nov. 15,	3	do do	3,000 00
	30,	do do	500 00
Dec. 29,	5	do do	800 00
"	6	Noah Dennis,	46 18

1827.

Jan. 27,	7	Israel J. Richardson and	
		Brothers,	200 00
"	8	Squire Mauro,	20 00
"	9	John Jackway,	43 75
"	10	David Thomas,	5 00
12,	11	do	16 25
11,	12	Squire Mauro,	20 00

1826.

Nov. 16,	13	T. M. Skinner, Rich'd Oli-	
		phant and U. F. Dou-	
		bleday,	3 00

1827.

Jan. 27,	14	Asher Tyler,	8 00
"	15	Israel J. Richardson and	
		Brothers,	300 00
"	16	do do	250 00
Feb. 6,	17	do do	825 00
April 18,	18	do do	1,400 00
Mar. 27,	19	do do	250 00
April 4,	20	do do	400 00
Feb. 28,	21	do do	684 00
Mar. 3,	22	do do	500 00
Feb. 19,	23	Squire Mauro,	5 00
Mar. 3,	24	David Thomas,	2 50
	16,	Squire Mauro,	7 50
	28,	Noah Dennis,	43 60
	5,	John Jackway,	5 00
Feb. 3,	28	do	5 00
"	29	David Thomas,	6 25
Jan. 29,	30	Asher Tyler,	10 00
July 11,	31	Charles T. Whipple,	72 25
April 27,	32	Jethro Wood,	50 00

Amount carried forward,.. \$

Amount brought forward,.. \$

1827.

	No.		
July 10,	33	John Jackway,	55 00
11,	34	Jethro Wood,	7 37
April 28,	35	George W. Fitch,	80 00
			<hr/>
			\$10,495 65 \$10,495 65

RENDITION E.

Aug. 9,	1	Alfred Hovey,	\$250 00
18,	2	Wm. L. Perce,	500 00
"	3	do	500 00
Sept. 26,	4	do	2,000 00
Oct. 27,	5	do	2,500 00
Sept. 25,	6	Israel J. Richardson and Brothers,	900 00
Nov. 1,	7	do do	2,355 04
Oct. 27,	8	Royal Torrey,	60 00
30,	9	W. L. Perce,	1,180 90
"	10	Geo. W. Fitch,	80 00
			<hr/>
			\$10,325 94 10,325 94

RENDITION F.

Dec. 20,	1	Wm. L. Perce,	\$2,500 00
1,	2	do	3,000 00
1828.			
Jan'y 2,	3	Wm. L. Perce,	3,500 00
1827.			
Oct. 17,	4	Noah Dennis,	42 43
Dec. 20,	5	George T. Olmsted,	60 00
25,	6	John Jackway,	40 00
1828.			
Jan. 3,	7	George W. Fitch,	80 00
			<hr/>
			\$9,222 43 9,222 43

RENDITION G.

Feb. 2,	1	William L. Perce,	\$2,000 00
21,	2	do	1,500 00
Mar. 1,	3	do	1,000 00
April 2,	4	do	1,000 00
8,	5	do	1,000 00
30,	6	do	2,754 00
Mar. 5,	7	Jethro Wood,	452 50
"	8	do	135 00
Feb. 26,	9	John Jackway,	45 00
			<hr/>

Amount carried forward,.. \$

Amount brought forward,..\$

1828.

Mar.	1,	10	John Wood,.....	10	25
"	11		David Thomas,.....	5	00
"	12		R. Underhill,.....	4	50
April	28,	13	Humphrey Howland,....	11	25
	8,	14	Peter Burgen,.....	2	00
	11,	15	George W. Fitch,.....	80	00

\$9,999 50 \$9,999 50

RENDITION H.

June	9,	1	Jethro Wood,.....	\$134	75
April	17,	2	John Jackway,.....	72	50
May	28,	3	William L. Perce,.....	1,000	00
April	17,	4	Jethro Wood,.....	115	00
June	4,	5	Wm. L. Perce,.....	1,000	00
	9,	6	John Jackway,.....	35	00
	"	7	Wm. L. Perce,.....	1,000	00
	18,	8	do	1,000	00
	14,	9	Royal Torrey,.....	113	75
Aug.	18,	10	Jethro Wood,.....	150	00
	15,	11	William L. Perce,.....	500	00
	4,	12	do	25	00
	18,	13	John Jackway,.....	42	50
	"	14	Wm. L. Perce,.....	500	00
July	3,	15	do	500	00
Oct.	14,	16	John Jackway,	100	00
	"	17	Jethro Wood,.....	131	00
	11,	18	Wm. L. Perce,	572	21
Nov.	19,	19	Noah Dennis,	74	84½
	"	20	P. S. Sinnott,	63	50
Dec.	15,	21	Jno. Buck,.....	570	55
Oct.	14,	22	do	1,000	00
	16,	23	do	1,000	00
Dec.	8,	24	A. H. Gates,	34	52
	15,	25	John Jackway,	40	00
	"	26	Jethro Wood,	144	93
	"	27	Geo. W. Fitch,.....	80	00

\$10,000 05 \$10,000 05

RENDITION I.

1829.

April	1,	1	Jno. L. Bigelow,.....	\$200	00
May	28,	2	S. P. Jacobs,.....	800	00
	20,	3	David Thomas,	46	62
April	25,	4	John Buck,	500	00

Amount carried forward..\$

[A. No. 70.]

Amount brought forward,..\$

1829.			
April 18,	No. 5	John Jackway,	57 50
June 3,	6	Jethro Wood,	214 75
"	7	John Jackway,	122 50
May 1,	8	Jethro Wood,	162 50
June 3,	9	S. P. Jacobs,	400 00
July 17,	10	Denniston and Evertsen, ..	339 14
	24, 11	John Buck,	2,500 00
June 9,	12	George W. Fitch,	43 57
July 29,	13	S. P. Jacobs,	881 66
Aug. 5,	14	Abel Withey,	100 00
	7, 15	James A. Clark,	14 26
	" 16	Elijah Snow,	50 60
	8, 17	John Jackway,	77 50
	" 18	Jeremiah Foot,	80 00
	" 19	John Buck,	3,410 00

 \$10,000 00

 Deduct from voucher No. 10, interest,
disallowed,

 2 04

 \$9,997 96 9,997 96

RENDITION K.

Aug. 8,	1	Aaron Satterlee,	\$10 25
"	2	Jethro Wood,	142 50
Sept. 4,	3	S. P. Jacobs,	659 26
	5,	D. D. Thomas,	19 50
Oct. 1,	4	Elijah Snow,	50 00
	14, 6	John Jackway,	75 00
"	7	John Buck,	3,749 93
1830.			
Mar. 8,	8	Jethro Wood,	142 50
1829.			
Oct. 14,	9	John Buck,	199 70
Dec. 3,	10	S. P. Jacobs,	681 25
	15, 11	John Jackway,	27 50
"	12	Richard L. Smith,	36 68
1830.			
Mar. 2,	13	Abner Hollister,	12 50
1829.			
Dec. 29,	14	Edward Rathbun,	7 25
1830.			
Jan. 2,	15	David Thomas,	60 71
	6, 16	Noah Dennis,	35 32
	11, 17	John Buck,	84 90
	18, 18	Joseph Denniston,	102 40

 Amount carried forward,.. \$

Amount brought forward,.. \$

1830.

	No.		
Jan.	23, 19	Thomas Wood,	7 00
	28, 20	John Jackway,	32 50
Feb.	4, 21	Elijah Somers,	1,200 00
	15, 22	John Wood,	59 48
	19, 23	Edward Rathbun,	4 50
	22, 24	Jethro Wood,	189 00
Mar.	2, 25	Alfred Wayland,	68 60
	10, 26	Jethro Wood,	99 87
	" 27	John Jackway,	45 00
June	" 28	R. L. Smith,	4 00
	" 29	John Jackway,	100 88
	" 30	Elijah Somers,	98 64
April	22, 31	John Buck,	13 10
June	9, 32	Jethro Wood,	154 63
	" 33	do	158 50
			<hr/>
			\$8,330 85
Deduct from voucher No 26, overcharged,			37
			<hr/>
			\$8,330 48 \$8,330 48
			<hr/>
Total amount of vouchers credited,.....			<u>\$98,371 52</u>

(No. 2.)

A Statement and Classification of the Expenditures of the Commissioners for draining the Cayuga Marshes, as shown from the vouchers on file in the Comptroller's office, prepared by the Comptroller, and annexed to his Report of the investigation made by him, pursuant to the act of the 20th April, 1830.

THE RICHARDSON CONTRACTS.

The whole sum paid to Israel J. Richardson and Brothers, under both their contracts, and for the machines:

Rendition A.	Vouchers	15, 16, 17, 18, 19, 24, 28,	
		in all,	\$7,373 78
"	B.	" 1, 2, 3, 4, 5, in all.....	9,725 00
"	C.	" 1, 2, 3, 4, 5, 10, 17, in all	9,569 81½
"	D.	" 1, 2, 3, 4, 5, 7, 15, 16, 17, 18,	
Amount carried forward,.....			<hr/>

Amount brought forward,.....	\$	
19, 20, 21, 22, in all.....		9,864 00
Rendition E. Vouchers 6, 7, in all.....		3,255 04

Total payments, as shown by the vouchers,..... \$39,907 63½

But one voucher is shown by the deposition of David H. Richardson, to have been given for \$1,400, (See Rendition D. Voucher No. 18,) when less was paid upon it. He says he received a check upon the bank for \$1,400, and signed a receipt for the same sum, but he cannot say what was paid. George W. Fitch, in his deposition, says he gave the check and took the receipt, and that from his book it would seem that \$980 were paid, but he finds at the bank, that but \$890 were paid. Suppose then that the sum ascertained at the bank be correct, the remainder of this voucher, never having been paid to the Richardsons, should be deducted, to wit,.....

510 00

And the payments, in fact made, will appear to be, \$39,397 63½

For these payments the account is as follows :

The first contract made with the Richardsons, will be found annexed to the deposition of David H. Richardson, and a receipt in full of the contract will be found endorsed upon it, signed by the contractors, and expressing, as the whole amount due to them under that contract, the sum of \$7,498 26

But from the deposition of John McFadden and the estimate of the engineer annexed to his deposition, it will plainly appear that the grubbing was omitted in the drafting of that receipt, and therefore that the contract price of that work, should be added, to wit,.....

100 00

The second contract with the Richardsons is also annexed to the deposition of David H. Richardson, and a receipt in full of that contract will be found upon it, signed by the contractors, and expressing as the whole amount due to them under that contract, the sum of..... \$9,998 85

Annexed to the deposition of David H. Richardson, will also be found the contracts for the purchase of machines by the commissioners from the Richardsons, for the sum of \$2,000, and the receipt of the Richardsons, for that sum, will be found endorsed upon the contracts ; still it is proved by all the

Amount carried forward,....\$

Amount brought forward, ... \$
 testimony that but \$1,800, was paid for
 the machines, and by the deposition of
 Israel J. Richardson, it is proved that no
 part of this sum is included in the re-
 ceipt, upon the second contract. This
 sum should therefore be added, to ac-
 count for the payments to the Richard-
 sons,.....

1,800 00

 \$39,397 11

Showing an over-payment to them of..... 52-

The only account given of this small overpayment, is to be found in the deposition of John McFadden, and the reason he assigns is, without doubt, the true one, that it was a mistake in casting the amount due upon the first contract, when the final settlement of that contract was made.

It is submitted that this view of these payments, and of the manner in which they are accounted for, pretty conclusively establishes the fact, left somewhat doubtful by the testimony, that but \$890 was paid upon the \$1,400 draft, and consequently, that the balance of the amount of that voucher, \$510, remains in the hands of the late treasurer of the commissioners, to be accounted for. It also proves that but \$1,800 was paid by the commissioners for the machines or cranes.

Remarks will be made, in another place, in relation to the small overpayment to the Richardsons, and especially in relation to the sum of \$510, appearing to be short paid upon one of their vouchers.

THE PERCE CONTRACTS.

The whole sum paid to William L. Perce, under both his contracts, in cash, being exclusive of the machines which were purchased from the Richardsons and sold to Perce.

Rendition E. Vouchers 2, 3, 4, 5, 9, in all,.....	\$8,680 90
" F. " 1, 2, 3, in all,.....	9,000 00
" G. " 1, 2, 3, 4, 5, 6, in all,.....	9,254 00
" H. " 3, 5, 7, 8, 11, 12, 14, 15, 18, in all,	6,097 21
	<hr/> \$31,032 11

These payments are accounted for as follows :

Annexed to the deposition of William L.

Perce, will be found copies of both his contracts. Upon the back of the first will be found a receipt in full of that contract, signed by him for.....\$8,207 11

The whole money to be paid under the second contract, as will be seen by examining it, was \$24,000, and by his depo-

Amount carried forward,....\$

Amount brought forward,.... \$	\$
sition it is proved that \$1,700 of this sum was paid to him in the machines purchased by the commissioners from the Richardsons, and sold to him, which sum is included in, and forms part of the sum receipted on the back of the second contract, leaving to be paid in cash on this second contract,.....	22,300 00
	<hr/> \$30,507 11

Showing an overpayment to Perce, of.....	525 00
--	--------

This overpayment to Perce was discovered while the deposition of Mr. Jackway was taking, but as he did not assume to know personally how it had occurred, and as it was alleged that Mr. Wood, as the acting commissioner, had made the calculations at the time of the last payment upon his contract, the Comptroller made a memorandum, with a view to recur to the subject, when Mr. Wood should be under examination. Several days, however, elapsed before Mr. Wood was sworn, and as he, for the purpose of saving time and labor, examined the deposition of Mr. Jackway, and confirmed his statements so far as his knowledge of the facts related went, and as transactions disconnected with the contracts with Perce, had then lately been the more immediate subjects of inquiry, this point in the case escaped recollection, and was not made a subject of examination with Mr. Wood.

This omission was not discovered until the testimony was taken up, during the last month, for the purpose of preparing this report. A letter was then immediately addressed to Mr. Wood by mail, requesting him to make and forward a statement, upon oath, accounting for this overpayment, as far as he should be able to do so. This he very promptly done, and the affidavit is annexed to his deposition and herewith transmitted.

It is perfectly within the recollection of the Comptroller, that mistake was, by Mr. Wood assigned as the cause of the overpayment, at the time it was discovered to have been made, but he does not recollect of its being, in that conversation, connected with the subject of extra work done by Perce, though that might have been said, as the conversation passed during the examination of Mr. Jackway, and little attention was given to it. He did hear the subject of extra work done by Perce mentioned, and he finds mention made of it in the deposition of John Buck, but as he had imbibed the impression that nothing had been paid in any way for such work, he gave it little attention, and did not think it a subject requiring examination at all.

Buck's Work upon the Drain.

There was drawn by Jethro Wood, in the name of John Buck, and upon drafts from the commissioners, in his favor, and receipted by him, the following sums ;

Rendition H. Vouchers 21, 22, 23, in all. \$2,570 55

This money is accounted for as follows :

By John Buck's deposition it will be seen, that of the money drawn by Mr. Wood, as above mentioned, he paid Buck, towards work upon the drain, the following sums, to wit :

1838, Nov. 20, Cash,	\$482 54
" Dec. 16, "	500 00
1839, Jan. 14, "	150 00
" " 20, "	300 00
" Feb. 6, Draft to White,	52 00
	<hr/>
	\$1,484 54

Remaining in Wood's hands,

\$1,086 01

It may be well here to remark, that it will appear from the testimony, and particularly from the depositions of John Buck and John Jackway, that Perce's Job was not completed, when all the money was paid upon his second contract, and that John Buck, by an arrangement with the commissioners, went on and completed the job, so far as it has ever yet been completed. For doing this work, he was paid as follows:

The above sums paid by Jethro Wood,	\$1,484 54
Rendition I, voucher 4, which, it should be remarked, like the three drafts above mentioned, paid to Wood, purports to be for money to apply upon his contract, to lower the bed of the river, but as he testifies, was in fact applied upon this work,	500 00
Cash received from the sale at auction of the property mortgaged by Perce to the commissioners to secure the accomplishment of this work,	60 60
Property purchased by him at that auction, and notes received by him from the commissioners, which had been given by other persons for property purchased at the same auction,	1,084 06

Whole payments to Buck for work upon the drain,

\$3,129 20

These payments he accounts for in his testimony, by stating that he kept an account of all he expended, and that on the settlement the commissioners allowed those expenses, and allowed him \$325 for his own time and services, and for such services of his clerks as were necessary, and for finding himself during the time; and the payments above mentioned exactly balanced his accounts, thus allowed, as he testifies. There does not appear to have been any specific contract made between Buck and the commissioners as to this work; but, after the expenditure of the money due upon the contract with Perce, he seems to have acted, in the completion of the drain, rather as the agent of the commissioners, which rendered this mode of settlement, in this instance, necessary. Of the sum of \$1,086.01, above mentioned as remaining in the hands of Mr. Wood, remarks will be made elsewhere.

Incidental Expenses on the Drain.

In addition to the payments made upon the two contracts with the Richardsons, upon two contracts with Perce, and to John Buck, as last above shown, all of which were for the construction of the drain, as it is called, the following payments were made towards that work, to wit :

Rendition A, vouchers Nos. 1, 12, 13, in all,.....	\$118 03
“ C, “ “ 7, “	200 00
“ F, “ “ 1, 8, “	310 00
“ H, “ “ 9, 20, “	177 25
“ I, vouchers Nos. 16, “	50 00
“ K, “ “ 5, 9, 17, 22, “	356 08
	<hr/>
	\$1,211 36

These payments are accounted for as follows :

There was paid to Love Newlove for sinking pits to ascertain the character of the excavation upon the route of the drain, (see the depositions of David Thomas and John M'Fadden,)	\$78 03
There was paid to Elijah Snow, for building a temporary road-bridge across the drain, and embanking it at the ends,	40 00
There was paid to John Buck, for building a permanent bridge at the same place, the work having been done by contract, (see his deposition,)	200 00
There was paid to Alfred Hovey, for work done under a contract made with him, to lower the drain below the Richardsons' contracts, which was afterwards abandoned, (see his deposition,)	250 00
There was paid to Royal Torrey, for sundry services about the drain, for taking care of the Perce property, &c. &c. (see his deposition,)	173 75
There was paid to Patrick S. Sinnot, for remaining to guard the Perce property, being 50 cents per day and his board, (see his affidavit,)	63 50
There was paid to Elijah Snow, upon a contract made with him, to remain and clear away the dam at the mouth of the drain, I, voucher 16, and K, voucher 5,.....	100 00
There was paid to John Buck, for articles furnished out of his store and otherwise, to the commissioners and the hands at work in removing the bars from the ends of the drain, and for sundry services rendered by him in settling the accounts of that work and other accounts of the commissioners,....	246 60

Amount carried forward,....\$

Amount brought forward,.....	\$	
There was paid to John Wood, for labor and for provisions furnished to hands while em- ployed on this work,.....	59 48	
		<u>\$1,211 36</u>

Many of the above expenditures have been made very loosely, and the necessity for making them does not very satisfactorily appear. Most of the persons, however, to whom they were made, have been examined, and their depositions accompany these remarks. Some of the items are payments upon contract, and are entirely satisfactory, but several of them appear to be accounts for services and expenses, while neither are very accurately defined in the vouchers or in the testimony.

Buck's Contract at Jack's Reefs.

The following sums were paid to John Buck upon his contract to lower the bed of the Seneca river at Jack's Reefs, being the same contract in which he made John Wood his partner, as mentioned in the testimony.

Rendition I, vouchers 11, 19,.....	\$5,910 00
" K, " 7, 17,.....	3,787 93

Total payments on this contract,.....	<u>\$9,697 93</u>
---------------------------------------	-------------------

This money is accounted for as follows :

By the deposition of Buck, as well as by that of John Jackway, John Wood and others, it will appear that this contract was not settled according to its terms, but that after the work was done, the commissioners agreed to allow to the contractors each \$2 per day for their time, and all they had expended; and that their accounts of time and expenses were examined and audited by the commissioners, and that the sum agreed to be paid by the commissioners and received by the contractors in full of the contract, was

	<u>9,692 93</u>
--	-----------------

Showing an overpayment upon this contract of	<u>\$5 00</u>
--	---------------

It will be seen by Mr. Buck's deposition that this overpayment was a mistake not discovered till the time of the investigation and while he was upon his examination, and that he immediately paid back the money (\$5.00) to one of the commissioners, and took his receipt therefor.

It should also be remarked that \$46.90 of voucher No. 17, above mentioned, was for an account of Mr. Buck, in no way connected with this contract, and that but \$38 of the voucher was for this work, or is included above, and this last sum of \$38, included in that voucher should have been but \$33, which caused the mistake and overpayment.

[A. No. 70.]

Vouchers 21, 22, 23, rendition H., and voucher 4, rendition I., amounting in all to \$3,070.55, purport, upon their face, to have been payments upon this contract, but it will be seen above, as well as from the testimony of Buck and others, that none of the money obtained upon these vouchers, was in fact, applied as the vouchers purport, but that the three first were paid to Mr. Wood, and not to Buck, and applied, so far as the money drawn upon them has been applied, to the work on the drain, while the last was paid to Buck, expressly to answer upon the balance due to him for completing the drain.

Connected with this contract of Buck & Wood, to lower the bars in the bed of the river at Jack's Reefs, was an expenditure of one hundred dollars; see rendition I., voucher No. 14. This amount was paid to Abel Withey, to compensate him for going off to hire hands to work on the job, as will be seen by the testimony of Buck and others. He seems to have been employed by the commissioners without any direction or request from the contractors to that effect, and the payment does not seem to have been considered as chargeable to them in the settlement. Indeed, Buck himself seems to believe, that at one period, too great efforts were made to put hands on to this work, and that too many were sometimes on it, for the profit of the work.

The commissioners urge that they feared a rise of water, and were greatly anxious to complete the work before that event should happen. It is also shown, that it was sickly upon that work, and therefore difficult to procure and retain hands. But notwithstanding these considerations, and although there is no doubt of the payment of the money to Withey, the opinion was, at the time of the investigation, and still is entertained, that this expenditure was injudicious.

Expenditures upon the Bars in the River.

The payments made for the work in the bed of the Seneca river, and for the machinery with which that excavation was performed, exclusive of the work done on the bars at Jack's Reefs, have been as follows:

Rendition I. vouchers 1, 2, 9, 10, 13, 15, in all,.....	\$2,633 02
" K. " 1, 3, 10, 18, 21, 25, 30, in all,..	2,820 40
" H. " 24,.....	34 52
	<hr/>
	\$5,487 94

These payments are accounted for as follows:
 It will be seen by the deposition of John Jackway, that there was paid to John L. Biglow, for the right to use Campbell's patent floating excavator on this work,..... \$200 00
 The deposition of Solomon P. Jacobs will show that he constructed the scows, and worked upon several of the bars for a considerable time, and that he was settled

Amount carried forward,..... \$

Amount brought forward,...	\$	
with, by allowing him a specific price for the labor of himself and team, and requiring him to render a strict account of expenses, and that there was paid to him in this manner,	3,422	17
The deposition of Elijah Somers will show that he succeeded Jacobs in the use of the excavators, working upon the same terms, and accounting in the same manner, and that there was paid to him for such work,	1,298	64
There was paid for cordage for the scows and excavators, while in use, and for transporting the same,.....	453	76
There was paid to A. H. Gates for work at the Musquito Point bar,.....	34	52
There was also paid to Aaron Satterlee for work on the river,	10	25
There was also paid to Alfred Wayland for boarding hands at work under Jacobs,...	68	60
		<u>\$5,487 94</u>

Thus making the accounts of expenditures exactly balance the payments made. An examination of the testimony referred to, will give particularly the history of these expenditures, as will also, to a considerable extent, the deposition of John Jackway. The scows with all the machinery, remain the property of the commissioners, and in their hands, but their present value was not ascertained.

Included in the accounts of Elijah Somers, and for which he was allowed and paid upon his settlement with the commissioners, were charges for hiring men to stay in and take care of these boats during the winter, as will be seen by his affidavit. It was alleged that the property connected with these boats, would be liable to plunder if they were not thus tended; but the necessity of the expense incurred for this object, did not seem to be very apparent, though it is possible a more perfect knowledge of the property to be taken care of might have rendered it so.

Expenses of Surveying.

The following sums were paid for surveying, with a view to making a description and valuation of the lands to be assessed for the expense of draining the marshes, and for making maps, descriptions, assessment rolls of the original valuation, &c.

Rendition A. Vouchers 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 25, 28, 30, 31, in all,.....	\$1,845 17
--	------------

These payments are accounted for in the deposition of John McFadden, who was then one of the commissioners, and who, being a surveyor, was employed by the commissioners to make these sur-

veys. The expenses, therefore, covered by these vouchers, were incurred under his immediate direction, as the principal surveyor, and he testifies to their correctness.

Payments to Engineers.

The following sums have been paid for engineering, done under the employ and direction of the commissioners, in the course of the work upon the drain, and upon the several bars in the bed of the river.

Rendition A.	Vouchers No. 21, 22,	amounting to.....	\$159 03
"	B.	" " 8, 9,.....	98 64
"	C.	" " 6,.....	47 68½
"	D.	" " 6, 26, 31, 34,.....	169 40
"	F.	" " 4, 5,.....	102 43
"	G.	" " 11,.....	5 00
"	H.	" " 19,.....	74 84½
"	I.	" " 3,.....	46 62
"	K.	" " 4, 15, 16,.....	113 53

\$817 18

These payments, with one exception, are proved by the testimony of David Thomas, Noah Dennis, and Daniel D. Thomas. David Thomas was appointed engineer of this work, by the law of 1826, and it will appear, as well from his testimony, as that of others, that the commissioners have pursued the general plan of the work adopted and advised by him. He appointed Dennis his assistant, and the commissioners afterwards employed him as a resident engineer of the work on the drain. He was also otherwise casually employed, as will be seen by his testimony. Daniel D. Thomas was employed but very little, and one payment only, and that small, was made to him as engineer, though he acted as rod-man to Dennis for some time. One payment will be seen to have been made to Charles T. Whippo, and the mention of his services will be found in the depositions of the Richardsons, of John Jackway, and of Noah Dennis.

Payments to the Commissioners for Services.

The following are the payments which have been made to the commissioners, from time to time, appointed under the several acts for draining the Cayuga marshes, their compensation being, by the said laws, fixed at two dollars and fifty cents per day, to wit:

Payments to Ira Hopkins, as Commissioner.

Rendition A.	Voucher No. 25,	from 30th April to 24th	
	December, 1825,	49½ days,.....	\$123 75
"	" 29,	25 Dec. to 28, 3 days,.....	7 50
"	B. 7,	6 Jan. to 15 Mar. 1826, 12½ days,	31 25
			<u>\$162 50</u>

Payments to John McFadden, as Commissioner.

Rendition A. Voucher 32, from May 6 to December
27, 1825, 51 days, \$127 50

Payments to Job Tyler, as Commissioner.

Rendition A. Voucher No. 26, from April 30 to Dec.
24, 1825, 32 days,..... \$80 00
" " 27, 26 and 27 Dec. 1825, 2 days,..... 5 00
" B. 6, from 31 Jan. to 13 April, 1826, 7days. 17 50

\$102 50

Payments to David Thomas, as Commissioner.

Renditions.	Vouchers.	Days.	
B.	No. 10, previous to 24 June, 1826,	3	\$7 50
C.	8, from 24 June to 8 Aug. "	7½	18 75
"	12, " 8 Aug. to 28 Sep. "	7	17 50
D.	10, " 15 Dec. 1826, to 27 Jan. 1827,	2	5 00
"	11, " 28 Sep. to 15 Dec. 1826,	6½	16 25
"	24, " 3 Feb. to 3 March, 1827,	1	2 50
"	29, " 27 Jan. to 3 Feb. "	2½	6 25
			<hr/> \$73 75 <hr/>

Payments to John Jackway, as Commissioner.

Renditions.	Vouchers.	Days.	
B.	No. 11, previous to 24 June, 1826,	7	\$17 50
C.	9, from 24 June to 8 Aug. "	5	12 50
"	13, " 8 Aug. to 28 Sept. "	6	15 00
D.	9, " 15 Dec. 1826, to 27 Jan. 1827,	17½	43 75
"	27, " 27 Jan. to 3 Feb. "	2	5 00
"	28, " 3 Feb. to 3 March, "	2	5 00
"	33, " 3 March, to 11 July, "	22	55 00
F.	6, " 11 July, to 31 Dec. "	16	40 00
G.	9, " 21 Dec. 1827, to 26 Feb. 1828,	18	45 00
H.	2, " 27 Feb. to 17 April, "	29	72 50
"	6, " 23 April, to 9 June, "	14	35 00
"	13, " 13 June, to 18 Aug. "	17	42 50
"	16, " 19 Aug. to 14 Oct. "	40	100 00
"	25, " 15 Oct. to 15 Dec. "	16	40 00
I.	5, " 19 Dec. 1828, to 2 March, 1829,	23	57 50
"	7, " 4 March, to 3 June, "	49	122 50
"	17, " 4 June, to Aug. "	31	77 50
K.	6, " 8 Aug. to Oct. "	30	75 00
"	11, " 16 Oct. to 15 Dec. "	11	27 50
"	20, " 16 Dec. 1829, to 26 Jan. 1830,	13	32 50
			<hr/>

Amount carried forward,..... \$

Amount brought forward,..... \$

Renditions.	Vouchers.	Days.	
"	No. 27, " 27 Jan. to 10 March,	" 18	45 00
"	29, " 10 March, to 10 June,	" 36	90 00
			<hr/>
			\$1,056 25

Payments to Squire Mauro, as Commissioner.

Renditions.	Vouchers.	Days.	
B.	No. 14, previous to 24 June,	1826, 31	\$7 59
C.	14, in the month of July,	" 6	15 00
"	15, from 1 Aug. to 28 Sept.	" 6	15 00
D.	8, " 15 Dec. 1826, to 27 Jan. 1827,	8	20 00
"	12, " 28 Sept. to 15 Dec. 1826,	8	20 00
"	23, " 27 Jan. to 3 Feb. 1827,	2	5 00
"	25, " 3 Feb. to 3 March, "	3	7 50
			<hr/>
			\$90 09

Payments to Jethro Wood, as Commissioner.

Renditions.	Vouchers.	Days.	
D.	No. 32, previous to April 27, 1827,	20	\$50 00
G.	7, from 27 April, to 21 Dec. "	181	452 50
"	8, " 22 Dec. 1827, to 25 Feb. 1828,	54	135 00
H.	1, " 18 April, to 9 June,	" 45	112 50
"	4, " 27 Feb. to 17 April,	" 46	115 00
"	10, " 9 June, to 18 Aug.	" 60	150 00
"	17, " 19 Aug. to 14 Oct.	" 49	122 50
"	26, " 14 Oct. to 15 Dec.	" 53	132 50
I.	6, " 3 March, to 3 June, 1829,	76	190 00
"	8, " 16 Dec. 1828, to 2 March, "	65	162 50
K.	2, " 4 June, to 8 Aug.	" 57	142 50
"	8, " 10 Aug. to 15 Oct.	" 57	142 50
"	24, " 15 Oct. 1829, to 26 Jan. 1830,	75	187 50
"	26, " 27 Jan. to 10 March,	" 37	92 50
"	33, " 10 March, to 9 June,	" 60	150 00
			<hr/>
			\$2,337 50

Payments to Humphrey Howland, as Commissioner.

Rendition G. voucher No. 13, previous to 23 April,	
1828, 4 days,.....	\$10 00

RECAPITULATION.

Payment for services as com'r, to Ira Hopkins	\$162 50
“ “ “ to John M'Fadden,....	127 50
“ “ “ to Job Tyler,.....	102 50
“ “ “ to David Thomas,.....	73 75
“ “ “ to John Jackway,	1,056 25
“ “ “ to Squire Munro,.....	90 09
“ “ “ to Jethro Wood,.....	2,337 50
“ “ “ to Humphrey Howland,	10 00
Total payments to commissioners for services,.....	<u>\$3,960 09</u>

It has been thought proper to give at length each voucher for these charges, and the time covered by each, that the Legislature may see the relative proportion of time which each commissioner has charged. These charges have been the subject of complaint, especially in regard to Mr. Wood, and particular evidence in relation to his charges for services will be found in his own deposition and in the deposition of Royal Torrey. Other witnesses were also inquired of in relation to his services, and slight mention of the subject will be found in several other depositions; but no other persons examined assumed to possess sufficient knowledge upon the subject to speak with any particularity in regard to the justness of the charges. Three of the other commissioners, to wit: Messrs. M'Fadden, Thomas and Jackway, were examined, and their depositions are referred to for proof as to their services.

The others were not present at the examination, and have not been examined. The dates of the charges will show about the periods from which to which each commissioner was in office. Mr. Howland seems never to have charged but four days, and it is understood that he immediately resigned the office after the first meeting with the commissioners.

The sums before given, as the respective payments to the commissioners, will not in many cases agree with the whole amount of the voucher, as appearing upon the abstract, the reason of which is, that the commissioner had frequently made small miscellaneous payments during the course of his services, the vouchers for which he would present to the board of commissioners and obtain one draft, embracing his account for services and for these small payments. Whenever this is the fact, the same voucher will be again found under the head of miscellaneous payments, with the amount of these disbursements carried out against it, and the two sums will agree with the amount upon the abstract. In all these cases the vouchers for the disbursements are annexed to the draft of the commissioners, and are so returned to this office.

Compensation to the Treasurers of the Commissioners.

The following are the allowances which were made by the commissioners to their treasurers for their services in drawing the mo-

ney from the treasury upon the commissioners' orders, as directed by the act of 1825, and paying it upon their drafts in favor of the persons entitled to it, and taking their receipts for such payments.

Rendition A,	voucher No. 34,	1st \$10,000,	.....	\$50 00
" B,	" " 13,	2d "	82 50	
" C,	" " 11,	3d "	85 00	
" D,	" " 35,	4th "	80 00	
" E,	" " 10,	5th "	80 00	
" F,	" " 7,	6th "	80 00	
" G,	" " 15,	7th "	80 00	
" H,	" " 27,	8th "	80 00	
" I,	" " 18,	9th "	80 00	

\$697 50

George W. Fitch was the treasurer of the commissioners until the 8th draft of \$10,000 had been drawn and accounted for, and his deposition is referred to for proof of these payments to himself. There seems to have been no standard for fixing this allowance, other than the judgment of the commissioners as to the actual value of the services performed, and, as will be seen by the charges, there was considerable variation in the allowance upon the three first sums drawn, but after that they seem to have settled down upon an uniform allowance of \$80, or $\frac{2}{3}$ per cent.

Jeremiah Foote was the successor of Mr. Fitch, and his deposition is referred to for proof of the payment to him of the 9th sum drawn. The 10th draft, completing the \$100,000 appropriated, has been drawn, and vouchers for the most part of it have been returned, but as a part yet remains in the hands of the treasurer, no voucher for his commission or allowance has been returned.

Compensation to the Secretary of the Commissioners.

The accounts show that the commissioners also appointed a secretary, as by the act of 1825 they were authorised to do, and the following payments were made to him, as a compensation for his services.

Rendition.	Vouchers.	
A.	No. 23, from appointment to 26 Dec. 1825,	\$100 00
B.	12, from 26 Dec. 1825, to 24 June 1826,	12 50
C.	16, from 24 June to 28 September, 1826,	3 75
D.	14, one day, 27 Jan. 1827.	2 50
"	30, four days from the 29 June, 1827,..	10 00

\$128 75

As this office appears, from the accounts, to have been dispensed with after the last date above given, it was thought it might be more satisfactory to show the time covered by each voucher. Asher Tyler was the secretary, who was not examined. It was said that

very considerable duty was required of him during the first season, preparatory to the actual commencement of the work, and while the surveys were making, as well as in reference to the letting of the jobs pursuant to the act of 1825, which justified this allowance for that season. After that time the payments to him, as will be seen, were very small.

In one case the payment will be found not to correspond with the voucher, as entered on the abstract, in amount, but the residue of the amount of this voucher will be found entered under the head of miscellaneous payments, it being for sundry small payments which he had made, and which were allowed to him by the commissioners.

Costs of Suits and Arbitrations.

The following payments, shown by the vouchers contained in the last rendition marked K, appeared to have been made for costs incurred in consequence of suits brought against the commissioners, to wit:

Voucher No 12,	for attending two suits, one at Jacks' Reefs, and another at Syracuse, and for payments to witnesses, and for other expenses,	\$36 68
"	13. This is a charge for attending two suits also, and at the same places, but at different times and with different parties,	12 50
"	19. For attending twice at Jack's Reefs in the same suits,	7 00
"	28. Payment for assistance and advice in settlement of accounts,	4 00
"	31. Payment of a judgment and costs rendered against the commissioners,	13 10
"	32. This voucher has been rendered with the last one on the abstract, since the investigation, and therefore they were not the subject of inquiry. This is a payment to two counsel, of \$50 each; to three arbitrators of \$16 each, for 3 days services, and to the sheriff for bringing up a witness upon habeas corpus, \$6.63, the whole being for the settlement by arbitration of a suit depending between William L. Perce and them in the supreme court,	154 63
		<hr/> \$227 91 <hr/>

It will appear from the testimony that the commissioners have been involved in considerable litigation, growing out of the personal property which was mortgaged to them by Perce to secure the ful-
[A. No. 70.]

filment of his second contract. Several persons claimed interests in the property, or parts of it, and as the commissioners disposed of or used it, suits were brought against them. Much ill feeling was excited, and there is reason to believe, from the frequency of those suits, and the remote distances they were brought from the scene of the transactions, that they were made greatly vexatious and expensive to them, whether such was or was not the design of their prosecutors.

The propriety however of crediting them with these expenditures, by virtue of the law under which they act, has been a matter of considerable doubt in the mind of the Comptroller. He has no doubt that the payments have in fact been made, but whether the law authorises them, out of the moneys appropriated to drain the Cayuga Marshes, is the question.

Miscellaneous Payments.

The following payments do not admit of classification, hardly any two of them being for the same object or same description of services. They are therefore put under the head of miscellaneous payments. They embrace charges for printing notices for letting contracts, for blank books and stationery for the secretary and treasurer, for postage paid upon the letters to and from the printers, for special messengers, for the use of horses and waggons for such messengers, for hands to row boats to make examinations of the river and the bars therein, by the engineer and commissioners, and for a great variety of the like services.

Rendition.	Vouchers.	
A.	Nos. 14, 20, 26, in all	\$9 75
D.	13, 14, in all	8 50
G.	10, 12, 13, 14, in all	18 00
H.	1, 17, 26, in all	43 18
I.	6, 12, in all	68 32
K.	14, 23, 24, 26, 29, 33,	39 63
		<hr/>
		\$187 38
		<hr/>

A very large share of the above will be found to be but parts of vouchers entered on the abstract, being in most cases connected with the drafts of the commissioners for services, and constituting the remainder, in each case, of the voucher which is not entered in their accounts for services before given. In one of the vouchers receipted by the secretary, this is also the case.

Rendition I, voucher 12, above given, is for \$43.57, and was a balance found due to the late treasurer of the commissioners upon a settlement with him, which was paid to him by his successor. All the above payments appear to be well vouched by sub-receipts, attached to the drafts of the commissioners, and there would seem to be no doubt that the payments were made in good faith, as they have been allowed by the commissioners. As to a very few of the items, and to a very small amount, there may be some doubt as to the

propriety of the expenditure under the law ; but those cases, if any, do not now occur to recollection, and the number and manner of these payments do not permit the detail of each, as a very large share of the whole amount consists of separate payments of less than one dollar.

The \$1,086.01 in the hands of Jehro Wood.

It will be seen by the deposition of John Jackway, that, on the 19th Dec. 1829, a settlement was had between him and Mr. Wood, in relation to this money ; that Mr. Wood presented an account of payments which he had made, amounting to \$380.89 ; that he satisfied Jackway and Dr. Fitch, who assisted in examining the account and vouchers, of the correctness of the charges ; and that Jackway took Wood's note of that date, for the balance, after allowing him the account so presented, that balance being \$755.12.

Towards the close of Jackway's deposition, will be found a detail of the charges allowed to Mr. Wood upon that settlement, designating such as were supported by vouchers and such as were not. The list of demands supported by vouchers, as will be seen by the deposition, amounts to \$169.89. The vouchers for these payments were exhibited upon the investigation, and carefully examined ; and they seemed to support the charges made, except in the last instance. The payment to Jeremiah Foote, for assisting engineer, \$3, it is believed is included in voucher No. 34, of Rendition D, and ought not, therefore, to be allowed. A charge of the same kind, for similar services and to the same amount, is included in that voucher, and Mr. Foote could not recollect that he had ever, but upon one occasion, rendered such assistance or received such a payment. This will reduce the amount to be credited to Mr. Wood, upon this list of vouchers, to \$166.89.

In this deposition will also be found another list of payments amounting to \$11, none of which were supported by vouchers, as the witness testifies. He says, that from his recollection at the time, and from the information then given to him, he was perfectly satisfied that the payments had been made as charged, and therefore he allowed them.

This evidence will not authorise this allowance at this office ; and should the Legislature believe, from the testimony, that Mr. Wood is entitled to the credit, their direction will cause it to be given to him.

Three other items were also allowed to Mr. Wood at the same settlement : the first was for a watch, \$50. The history of this watch will be found detailed in Mr. Jackway's deposition. The following is all that is required for the present purpose : Negus had left the work on the drain, where he had acted as the agent of Perce, and John Buck had been appointed the agent. A man by the name of Hazzard had been employed upon that work, and fifty dollars were due to him for his services. Mr. Wood owned the watch in question, as his private property, and he agreed to let Hazzard have it for his claim for the services, and was to send the watch from Jack's Reefs to Montezuma, where Hazzard had agreed

to receive it. Wood sent the watch by a person by the name of Harper, who ran away with it and did not deliver it to Hazzard. On the strength, however, of Wood's having assumed the payment of the \$50 to Hazzard, Buck, then the agent of Perce, allowed him the amount in the settlement between them. That Wood lost the watch, would seem to be satisfactorily shown; but that fact does not entitle him to charge the loss to the public, or authorise the allowance of such a charge, if made, at this office: that \$50 cannot, therefore, be passed to his credit. The next of these items is a charge of \$50, for the payment of this very debt to Hazzard. This is conceded by Mr. Wood himself to be a mistake, as he was allowed in the settlement with Buck for this payment: this \$50 should therefore also be re-charged to him. The third of these items is \$50, allowed to Mr. Wood because he presented a note given by Perce to the treasurer of the commissioners, and said he had taken up the note, and that it had gone to the credit of the Perce contract. The witness, however, does not know how it was arranged between Wood and the treasurer: the rational supposition is, that the note had been taken for some advance made by the treasurer to Perce or Negus, and that when a draft was presented in Perce's favor, the note was deducted from the payment, and that thus a voucher for the amount of the note had been given to the treasurer, and had been by him returned to this office, to account for the money he had drawn.

The witness is unable to say that this was not so, and neither Mr. Wood or Mr. Fitch could explain the transaction, as both were at that time inquired of respecting it. The opinion was, therefore, and still is entertained, that Mr. Wood ought not to be credited for this charge upon the evidence as it now stands. This closes a review of the attempt to account for the \$1,086.01 in Mr. Wood's hands.

If, then, the conclusions above expressed be correct, the matter will stand as follows:

Amount remaining in Mr. Wood's hands not paid to

Buck,	\$1,086 01
Accounted for to Jackway on settlement,	166 89

Remaining in his hands unaccounted for,	\$919 12
---	----------

Of this sum he has given his note for	755 12
---	--------

Leaving in his hands, to be secured,	<u>\$164 00</u>
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Money remaining in the hands of George W. Fitch, late Treasurer.

It has been before seen that one of the vouchers given by the Richardsons for \$1,400 was that paid by the sum of \$510, while the receipt to the full amount of the voucher was given and returned by the treasurer to this office, and passed to his credit; thus leaving in his hands, on the settlement of his account, this amount of \$510.

The only question entertained at the time of the investigation upon this subject, was, whether the sum of \$890, or the sum of \$980, was paid upon the draft.

The treasurer then informed the Comptroller that he should submit the determination to be made from the evidence entirely to him, and requested when the sum remaining in his hands should be concluded upon, that he might have notice, he promising immediate payment. The conclusion was, that but \$890 were paid upon the draft, and that \$510 must remain in his hands. The notice of this determination was given by letter, dated 17th December last, and on the 4th of the present month the amount of \$510 was by Mr. Fitch paid into the treasury of the state.

It is due to Mr. Fitch to state, what will appear upon the face of his deposition, that the first intimation which the Comptroller received that this money was in his hands was from himself, and from what appeared to be his own voluntary disclosure. Mr. Fitch was then under the impression that the sum was but \$420, and that \$980 had been paid upon the voucher, but the reasons which have brought the Comptroller to a different conclusion are stated in the remarks under the head of "the Richardson contracts."

Overpayments upon Contracts.

It has been seen that the following overpayments have been made to different individuals, to wit :

To the Richardsons, upon their contracts,	\$0 52
William L. Perce, upon his contract,	525 00
John Buck, upon settlement of his contract,	5 00
	<hr/>
Total overpayments,	\$530 52
	<hr/>

The first of these items is explained in the deposition of John M'Fadden, and the very small amount of the overpayment renders it more than probable that his explanation is the true one; that it was a mistake in calculation.

The second is not explained by the testimony, except by the affidavit of Jethro Wood, the commissioner, which has been obtained as before stated, and is annexed to his deposition. There is no power given by the act of 1825 or 1826 to these commissioners to make extra allowances beyond the contract prices of the work; so that this overpayment cannot be credited to them upon that ground, and it would seem to be equally clear, that the credit cannot be given on the ground of extra work done, until some account, and description and valuation of that work is given.

The payment, however, seems to have been made by mistake, according to the affidavit, and without any design to make a payment towards extra work, but upon discovering that the mistake had been made, the resort was taken of charging it against extra work. To this, the affidavit states that Perce consented. This may have been strictly right, but so long as that fact does not appear, it is not seen why the commissioners must not be held liable

to account for this money. There can be no doubt, however, that the payment was made, as it was made to Buck as the agent of Perce, and constituted so much of the payment made to him on the 11th October, 1828, of \$572.21, and evidenced by Voucher 18, of Rendition H. and which he expressly states, in his deposition, the commissioner told him was the balance due upon Perce's contract, but at the same time added that some extra work had been done by Perce which had not been paid for. This would favor the assertion in the affidavit of Mr. Wood, that he was under a mistake when this draft was given to Buck, and that he did not suppose he was paying beyond the contract price; as his declaration to Buck, made at the time, in relation to the extra work, may also favor the propriety of putting the overpayment to that account. Still no means are furnished to estimate the value of the work which had been done, and therefore no standard for giving the credit is presented.

This view of the case, however, may induce the Legislature to consider the subject, one proper for their equitable interference, as it is a fact of public notoriety that Perce has no responsibility, and that any claim the commissioners may have upon him for this money is valueless, either to them or to the state.

The overpayment to Buck was first discovered, as he testifies, and no doubt truly, upon his examination; and without any hesitation, upon the discovery being made, he paid the amount to the commissioners, and took their receipt therefor. For this sum, therefore, there is no question as to their accountability.

For the other two sums they must be also accountable, unless relieved from that responsibility by the Legislature.

Avails of the Perce Property.

It will be seen from the testimony, and also from an examination of the second contract with Perce, a copy of which, marked B, is annexed to his deposition, that the better to secure the fulfilment of that contract, a covenant was inserted in it, mortgaging to the commissioners all the personal property he had upon the work, consisting of horses, oxen, tools, cabins and their furniture, &c. Perce did not fulfil the contract, and this property was taken into possession by the commissioners, as forfeited under the covenant of mortgage, and was sold by them at public auction.

It has also been seen, by the foregoing examination of the payments and expenditures by the commissioners, that they paid to John Buck out of this property, in part for the work done under his direction in the completion of the drain, the sum of.. \$1,144 66

The deposition of John Jackway will also show, that
out of the avails of this property, a payment was
made to Solomon P. Jacobs, of.....

38 00

And that the following sums, being the residue of the avails of the property, remain in the hands of the commissioners, or their treasurer, to be accounted for, to wit :

Amount carried forward,..... \$

Amount brought forward,.....	\$	
A judgment in favor of the commissioners, against Joseph Wood, for.....	19	28
A conditional note, signed by Jethro Wood, for.....	95	70
Note signed by Jethro Wood, for.....	29	50
Note, signed by Ephraim Bowen, for.....	41	00
An account against Benjamin Howland, for..	31	00
Payment by Alfred Wayland, to Wood, of..	57	00
		<hr/>
		\$273 48
The above are supposed to be good, unless it shall prove that the first note against Wood has been paid. There is also an account against James L. Voorhis, for property bought at the auction sale, but Voorhis dis- putes the payment,.....		
	\$52	12
There is also a bid of Alfred Wayland, con- sidered bad, for.....	5	00
		<hr/>
		57 12
Total avails of the Perce property,.....		<hr/>
		\$1,513 28
Deduct payment to Buck,.....	\$1,144	66
“ “ Jacobs,.....	38	00
		<hr/>
		1,182 66
Remaining, to be accounted for,.....		<hr/>
		\$330 60
		<hr/>

Property in the hands of the Commissioners.

It has been before remarked, that the scows, or floating excavators, used upon the bars in the river above Jack's Reef, still remain in the hands of the commissioners. These scows were constructed with the money advanced by the state, and, as will be seen by the testimony, were used by Jacobs and Somers, they being employed by the day, and having their disbursements audited and paid by the commissioners. The present value of this property is not ascertained, and is probably not very considerable, as the scows have been used for the work in the river, and have been laid up, when not in use, in situations exposed to the weather.

There is also another parcel of property, in the hands of the commissioners, which came to them in consequence of the manner in which they settled with Buck and his partner, John Wood, for the work done under their contract to lower the bed of the river at Jack's Reefs.

It has been seen that the settlement of this contract was not made according to its terms, but upon the principle of allowing the contractors for all their expenses, and a certain stipulated price for their own time. The effect of this mode of settlement would, of course, be to leave upon the hands of the commissioners, all the property which it had been necessary for the contractors to procure in the course of the prosecution of the work, and which was not consumed, such as chantees for the hands, and the furniture thereof, and all the tools and implements to carry on the work. The

value of this property is not ascertained, but it will remain for the commissioners to account for it.

RECAPITULATION.

According to the foregoing examination of the expenditure of the money drawn from the treasury of the state, under the several acts for draining the Cayuga marshes, the account of that portion of the money which has as yet been attempted to be accounted for, by the return of vouchers to this office, will stand as follows :

The whole amount of vouchers returned to this office, by the treasurers of the commissioners, and passed to the credit of their account, is\$98,371 68
Accounted for by the investigation as follows :

Expenses on the Drain, to wit :

Payments on the two Richardson contracts including the machines purchased of them,...	\$39,397 11
Payments on the two Perce contracts, exclusive of the machines sold to him,.....	30,507 11
Payments for Buck's work in completing the drain,.....	1,984 54
Incidental expenses on and about the drain,.....	1,211 36
	<hr/> \$73,100 12

Expenses at Jack's Reefs.

Payments upon Buck's contract to lower the bed of the river, at Jack's Reefs,	\$9,692 93
Payments to Abel Withey, for hiring hands to work on the contract,	100.00
	<hr/> 9,792 93
Expenditures upon the bars in the river, exclusive of Jack's Reefs,.....	5,487 94
Expenses of surveying,.....	1,845 17
“ of engineering,	817 18
Payments to commissioners for services,...	3,960 09
“ to treasurer of commissioners for services,	697 50
“ to secretary of commissioners for services,	128 75
	<hr/>
Amount carried forward,.....	\$

Amount brought forward,	\$	
Costs of suits and arbitrations,		227 91
Miscellaneous payments,		187 38
Payments made by Mr. Wood out of the \$1,086.01, money in his hands not paid to Buck, for which vouchers were produced, and which were correctly allowed as before seen,		166 89
Money found to be in the hands of George W. Fitch, late treasurer of the commissioners, and by him paid into the treasury of the state on the 4th January, 1831, ...		510 00
		<hr/>
		\$96,921 86
Leaving unaccounted for,		1,449 66
This sum is, money remaining unaccounted for in the hands of Jethro Wood, as before,		919 12
Balances overpaid as before,		530 52
		<hr/>
		\$1,449 64
		<hr/>

Differing but two cents from the amount shown to be unexpended, which difference arises from some fractions of cents in the divisions of vouchers, or from some omission to include the half cents in adding.

Account of the Treasurer of the Commissioners.

The whole amount of money drawn from the treasury of the state for draining the Cayuga marshes, pursuant to the act of 1825, and the several acts amending the same, has been, \$100,000 00

To this should be added the amount appearing to have been overpaid by the late treasurer, upon the settlement of his accounts, and therefore charged to the commissioners, and paid to him out of monies subsequently drawn and credited to the present treasurer among his vouchers, 43 57

Making a total of, \$100,043 57

From this should be deducted two several payments into the treasury of the state, of very small sums, to answer for rejections in the vouchers rendered, both amounting to, 2 53

Leaving the balance to be accounted for, \$100,041 04

The foregoing examination of the expenditures has shown the disposition and situation of the sum of \$98,371 52 remaining in the hands of the present treasurer, as see his deposition.

Amount carried forward, ... \$

[A. No. 70.]

Amount brought forward,...	\$	
Vouchers for payments not returned to the Comptroller's office,...	\$231	81
A note signed by Henry Leonard for	150	00
" " John W. Hurlburt for	300	00
Two drafts paid after the deposition was commenced—amounting to.....	108	56
The receipt of Jethro Wood, for	200	00
Cash on hand,.....	678	78
To these sums should be added a rejection on account of the overpayment of voucher No. 26 of the last rendition,....	37	
	<u>\$1,669</u>	<u>52</u>
		<u>\$100,041 04</u>

This shows a balance in the hands of Jeremiah Foote, the present treasurer of the commissioners, for which no vouchers have been rendered to this office, of \$1,669.52, being just the balance of the \$100,000 which remains after deducting the sum, the disposition of which is shown by the previous statements.

A considerable part of this balance, it will be seen, has been loaned by the treasurer and converted into securities, for which, it is true, he swears that he considers himself responsible, but which still presents one of the many instances exhibited in his deposition of the very loose manner in which these funds have been handled.

This deposition also exhibits several demands in his hands which have been placed there by the commissioners, being the avails of the Perce property and a part of the money unaccounted for by Mr. Wood, but as it may be somewhat doubtful whether the treasurer can be held accountable for these obligations derived from these sources and obtained in this way, and it being considered certain that his bail cannot be made responsible for them, they will be considered as resting with him as the mere agent of the commissioners, and as property in their hands to be accounted for, and will be thus enumerated.

Whole property of the Draining Fund for which no account has as yet been rendered.

In the hands of the treasurer—
 The balance unaccounted for, as before given,..... \$1,669 52
 In the hands of the commissioners—
 The avails of the Perce property supposed to be good,
 with the reservation as to the condition in one of the

Amount carried forward,.. \$

Amount brought forward,...	\$	
notes given by Jethro Wood, as see the statement as to that property,.....	\$273	48
The avails of the same property supposed to be bad, see the same statement,.....	57	12
		<hr/>
		330 60
Money in the hands of Jethro Wood, and for part of which he has given his note, as see the statement,...		919 12
Amount overpaid to Buck, and re-paid by him to the commissioners, in money,		5 00
		<hr/>
		\$2,924 24
To this may be added the sums paid into the treasury of the state, which is supposed to be at the disposition of the commissioners, unless the Legislature should otherwise direct, to wit :		
The two small sums before mentioned,.....	\$2	53
The sum paid by G. W. Fitch,	510	00
		<hr/>
		512 53
The overpayments also upon the contracts with the Richardson and with Perce are to be accounted for, unless the Legislature shall discharge them from that responsibility,.....		525 53
		<hr/>
		<hr/>

This closes such a classification and exhibition of this fund, and of the expenditures from it, as has been suggested from a somewhat laborious examination of the testimony taken.

IN ASSEMBLY,

January 29, 1831.

REPORT

Of the Committee on Claims, on the Petition of James McMahan.

The committee on claims to which was referred the petition of
James McMahan,

REPORTED—

In July, 1812, pursuant to orders issued by Maj. Gen. Van Rensselaer, who had been assigned to the command of the frontiers under the authority of the state, the petitioner was ordered to take command of a company of militia, and station them at Portland harbor in the county of Chautauque. He performed the duty and continued in service two weeks. There was neither commissary, quartermaster or contractor, nor were there any public stores, in the vicinity of the station: and the petitioner was obliged to, and did, furnish subsistence for himself, his officers and men during their term of service. During the month of September of the same year, he commanded a company at the same post. He has received no compensation, either for his own services, or for the subsistence furnished by him. These facts appear sufficiently authenticated. The services being performed in the militia of this state, and under the authority of its officers, the claim for compensation seems properly made against the state. Indeed the petitioner alleges, and your committee have no reason to doubt the fact, that upon making application to the general government, he was told that although that government was ultimately responsible for all the expenses of the state in that service, yet that the claim must be presented by the state, after having paid it. The petitioner has been repeatedly before the legislature, but from accidental causes, he has been delay-

[A. No. 71.]

ed in the adjustment of his claim until this time. Your committee are of opinion that the claim of the petitioner is just and meritorious, and they have directed their chairman to introduce a bill providing payment for such of the items of the account of the petitioner as have been proved, and which are specified in the annexed account, and directing the agent of the state to present it among our claims against the United States.

Items in the account of James McMahan, which the committee on claims consider proved, and which they propose to pay.

His services as captain at Portland harbor from July 2d	
to July 17, 1812, half a month, at \$40 per month,	\$20 00
To 3 rations a day at 20 cents each, for 15 days,.....	9 00
Rations for 50 men for 15 days each, 750 rations at 15	
cts. per ration,.....	112 50
Services from September 3d to October 2, 1 month,...	40 00
3 rations per day for 30 days at 20 cts. each, 90 rations,	18 00
Paid Amos Attwater for boards for barracks,.....	10 00
	<hr/>
	\$209 50
Interest, say 8 years,.....	117 04
	<hr/>
	<u>\$326 54</u>

IN ASSEMBLY,

January 29, 1831.

COMMUNICATION

From the Commissioners of the Land-Office, relative to the duties assigned them in and by the act entitled "An act for the relief of John C. McLean," passed March 19, 1830.

The commissioners of the land-office, in reference to the discharge of the duties assigned to them in and by the act, entitled "An act for the relief of John C. McLean," passed March 19, 1830, ask leave to present to the legislature the following

COMMUNICATION.

The first section of the act referred to provides, "that the Treasurer shall pay on the warrant of the Comptroller, to John C. McLean, such sum as the commissioners of the land-office shall ascertain and certify to have been the actual value of lot No. 74, in the Peru Bay tract, in the county of Essex, on the 16th day of June, 1825, deducting therefrom the sum due the state therefor, in full for all claims of the said McLean, in consequence of the sale of the said lot by the Surveyor-General, on the 16th June, 1825."

The second section of the act provides, that "such sum shall not in any case, exceed the amount of money actually paid by said John C. McLean, for and on account of said lot of land, with the interest thereon, at the rate of six per cent per annum."

The difficulty which the commissioners find is in determining what restriction the second section of this act was intended to impose upon the provisions of the first section; or in other words, what payments of McLean were intended to be embraced by the language of

[A. No. 72.]

the second section. Some members of the Board entertain the opinion, that the legislature intended by that section only to include in the computation such payments as had been actually made by John C. McLean, into the treasury of the state, "for and on account of the said lot of land." Others suppose that the intention might have been to include not only the payments which had been made into the treasury, by John C. McLean, but also the payments which had been made by his assignees, and that there should be repaid to him, in case the actual value of the lot should warrant it, the whole sum which had been paid into the treasury, for and on account of the lot, prior to the 16th June, 1825, including the payment of \$35 made by John C. McLean, on that day.

Neither of these constructions are adopted by McLean, but he contends that the design of the legislature was, to repay to him the whole amount of money he had actually paid for said lot on account of the lot, whether those payments were made into the treasury, or were made to purchase the assignment of the certificate for the lot, or for fences and improvements on the lot, or in any other manner, "on account of the said lot of land."

Although these differences of opinion, as to the construction of the act, were discovered to exist when the attention of the commissioners was first called to it by the application of Mr. McLean, yet upon his insisting that they should do so, the commissioners on the 11th September last, heard testimony, produced by McLean, both as to the actual value of the lot, on the 16th day of June, 1825, and as to the payments which had been actually made by McLean, for and on account of the lot, according to the construction of the act, contended for by him. Two witnesses were produced and examined before the Board, and the affidavits of John Simpson, and John C. McLean himself, were presented and filed.

This proof went entirely to show that the actual value of the lot on the 16th June, 1825, was at least \$8.50 per acre; or, there being 176 $\frac{1}{2}$ acres in the lot, to fix its whole value, on that day, at \$617.06. The commissioners did not assume to determine, pursuant to the first section of the act, that this was its value, as they expressly reserved to themselves the examination of the original appraisement of this lot, and the adjoining lands, on file in the Surveyor-General's office, and also of any papers on file in the office of the Secretary of State and Comptroller, which might aid them in ascertaining the actual value of the lot, on the day mentioned in the act; and it was

expressly agreed by the counsel, who appeared before the Board in behalf of McLean, that these papers should be considered as then in evidence before the Board for that purpose.

The value of the lot, however, as fixed by this proof, will answer all the purposes of enabling the commissioners to cause themselves to be understood by the legislature for all the objects of this communication.

Among the payments which McLean assumed that he had actually made, "for and on account of this lot of land," within the meaning of the second section of the act, was one of the amount of \$400 to his father, Thomas McLean, alleged to have been made on the 27th July, 1824, as the consideration money for the assignment of the Surveyor-General's certificate for the lot, originally given to Hermanus C. Wendell, and then held by McLean's father. The proof produced showed that on the 27th July, 1824, John C. McLean had given to his father, Thomas McLean, his promissory note for the said sum of \$400, payable with interest on the 1st November, 1828, as the consideration for the assignment of the certificate for this lot, and that on the 8th February, 1830, \$16.50, and on the 31st May, 1830, \$25 had been paid upon the note, making the payments, actually made upon the note \$41.50, at the time the witness was examined, and the residue of the note remained due from John C. McLean.

The facts in relation to this lot are, as shown from the books of the Surveyor-General's and Comptroller's offices, that the lot was first sold on the 10th March, 1814, to Hermanus C. Wendell, for the sum of \$135, that being the sum at which it was valued by the surveyor's employed to survey the said Peru Bay tract, and to fix the minimum prices upon the respective lots. Wendell paid the sum of \$17, as the first payment upon the lot, and gave his bond for \$118, the balance of the purchase money, payable with interest according to the statute. No payment of principal has been since made upon the lot, by any person, but on the contrary, the sum now standing charged upon the lot as principal, is greater than the whole amount of the original consideration money.

The following payments of interest, however, were made prior to the re-sale of the lot, on the 16th June, 1825, for arrears of interest, to wit: On the 17th September, 1818, Thomas McLean paid \$28.32; and on the 14th July, 1820, Thomas McLean paid \$14.16;

making the whole payments made by Thomas McLean, and the whole payments made upon the lot, after its sale and prior to the 16th June, 1825, \$42.48. In the spring of 1825, the Surveyor-General was directed by this Board to advertise and sell this with other lots, in consequence of the non-payment of the interest due thereon, and his sale was accordingly advertised to take place on the 16th day of June, of that year.

The caution is always observed, when re-sales are to be made, of causing the books of the Comptroller's office to be carefully examined, with the list of the lots to be sold, on the morning of the day on which the sales are to be made, in order, that if payments have been made upon any of the lots, those lots may be stricken from the list, and not exposed for sale. This caution was observed upon this occasion, and those books showed no payment upon this lot. It was therefore not taken from the list, but retained among the lots to be re-sold, and after this examination, the sale was immediately commenced upon at the capitol, all the lots to be sold being offered to the purchasers in the order they stood upon the list.

The amount remaining due upon this lot, after deducting all the payments which had been previously made upon it by any person, was as follows, to wit: principal \$118; interest \$37.29, costs of advertising \$2, in all \$157.29. This sum was, by the statute, the minimum price of the lot, at that sale, and unless some person had appeared to bid that sum, it was made the duty of the Surveyor-General to bid in the lot for the state. This sum, however, was bid by George D. Simpson, and no person bidding any greater sum, the lot was struck off to him, as the highest bidder, for exactly the balance due to the state upon it. Where a lot is re-sold, the distinction between principal and interest, due before the re-sale, is merged, and at the time of the re-sale, the whole is made principal. Hence, it happened that after Simpson had made the first payment required by the statute, as it then stood, the amount of principal remaining charged to the lot, and for which he gave his bond, was \$138, a sum greater than the whole original purchase money of the lot by \$3, and greater than the amount of principal charged upon the lot before the re-sale by \$20.

After this sale was made to Simpson, it was found that on the day of that sale, but at what time on that day, or whether before or after the sale of this lot, it is now impossible to ascertain, John C. McLean had paid into the treasury \$35, on account of interest in arrear upon

the lot, this being the only payment ever made into the treasury of the state, for or on account of this lot, by John C. McLean. To this \$35, thus paid into the treasury, it will be seen the state had no claim, as the sale to Simpson was for the whole amount of principal, interest and costs, due upon the lot on the day of the sale, and while it was not known that this payment was to be made.

These facts will present the reasons and grounds upon which the construction of the act in question, first above mentioned, is contended for, to wit: that the payments actually made by John C. McLean, for and on account of this lot of land, which are to be considered as embraced within the intent and meaning of the second section of the act, are the payments actually made by him, into the treasury of this state, for and on account of the lot. In other words, it is contended, that it was the meaning and design of the legislature, that this payment of \$35, made by him into the treasury on the day the lot was re-sold, should be repaid to him with interest, at the rate of six per cent, from the time of the payment; provided the actual value of the lot, on that day, should be equal to the increased sum remaining charged upon the lot, in consequence of his failure to make the regular payments of interest.

This construction adopted, would have no effect either to benefit or injure the treasury, except the trifling consideration as applied to this case of adopting the principle of paying interest upon moneys erroneously paid into the treasury. The state would finally receive precisely the money for which this lot of land was originally sold, and the interest thereon, and the costs of collecting that interest, and nothing more; and Mr. McLean would have refunded to him the money he paid into the treasury, at too late a period to save his lot from re-sale, with interest thereon, from the time he made the payment.

Should the second of the above suggested constructions be adopted, the effect would be to pay out of the treasury to Mr. McLean, and that without any equivalent to the state, all of the first payment, made by Mr. Wendell, upon this lot, and all the interest, paid upon the purchase money remaining due, between the date of the original sale of the lot, in March, 1814, and the 16th day of June, 1825, together with interest upon those payments, from the time they were made, to the date of the payment to Mr. McLean. The amount of these payments, including the \$35, paid on the day of the re-sale, is \$94.48, and the interest upon them, to this date, would be not far

from \$58.87, making the sum to which he would be entitled, from this principal of construction, about \$153.35, a sum considerably greater than the whole lot originally sold for, and very nearly equal to the amount for which it was sold, at the re-sale, on the day its value is directed to be ascertained. In short, this principle of settlement would be in effect to constitute the re-sale an original sale, so far as the interests of the state are concerned, and to give to Mr. McLean the interest upon the original purchase money, up to the time of the re-sale, with the benefit of a six per cent investment for the payments as they were made.

But either of these constructions will prove to be far more favorable for the interest of the state, than the one for which Mr. McLean contends. He has paid, and has become obligated to pay, \$400 for his father's interest in this lot, as would appear from the testimony he has adduced to the Board, and this payment has remained upon interest, as he contends, from the 27th July, 1824. He has also paid the \$35 into the treasury, as before mentioned; and this payment has been on interest from the 16th June, 1825, the time when it was made. These payments, with the interest upon each, at six per cent, from the dates above given, will now amount to about \$602. Suppose then that the proof offered by Mr. McLean is to be taken as to the actual value of the lot, on the 16th June, 1825. That proof shows it to have been worth, on that day, as we have before seen, \$617.50. His rule of constructing the act, would require that the sum due to the state upon the lot, on the 16th June, 1825, \$157.29, should be taken from the actual value of the lot, as shown by his proof, \$617.50, and that the balance, \$460.21, that being less than the payments he has proved, should be paid to him.

This may be the construction which the legislature designed, but the commissioners are unwilling to believe it is, inasmuch as the effect of it will not only be to give Mr. McLean all the money the state have received, or will receive for this lot, but from two to three times that amount. Yet, if such was the design of the legislature, in passing the law in question, the commissioners can have no interest against carrying it into effect, and their sole object in making this communication, is respectfully to ask of the legislature, which of these, or what other construction they shall put upon the law in question, when such signification will be most readily and most cheerfully obeyed.

One other question may arise upon the face of the proofs exhibited by Mr. McLean, and it is therefore proper that the attention of the legislature should be directed to it. It has been seen, that of the \$400 claimed to have been paid by Mr. McLean, for the interest of his father in this lot, but \$41.50 have been actually paid, the residue of the said amount, and interest, remaining secured by his promissory note. The words of the act, are "such sum shall not in any case exceed the amount of money actually paid by said John C. McLean, for and on account of said lot of land, with interest thereon, at the rate of six per cent per annum."

The commissioners may have found a difficulty in the construction of this law, which does not necessarily pertain to the subject, because they have not considered that the re-sale of this lot was the fault of the state, or any of its public officers. That subject has been before them upon a question between McLean and the assignee of Simpson, as to the person entitled to a patent for the lot, upon making full payment. That question was fully examined, and argued by counsel before them, and it appearing that the payment by McLean was not made until the day of the sale, and that the receipt for that payment was not duly entered in the books of the Comptroller's office at all, but came into those books by comparison of them with the books of the Treasurer, at the close of the month; the Board unanimously determined that the re-sale was regular, and that the purchaser at that sale was entitled to his patent upon paying in full for the lot.

The resolution of the Board, together with a report of the facts, in this case, made by the Surveyor-General, will be found in document 87, of the documents of the last session.

The brief notes of the evidence taken before the Board, and hereinbefore referred to, are annexed to this communication, together with copies of the affidavits, produced and filed with the Board.

SILAS WRIGHT, Jr. *Comptroller.*
EDW'D P. LIVINGSTON, *Lt. Governor.*
GEO. R. DAVIS, *Speaker of Assembly.*
GREENE C. BRONSON, *Att'y-General.*
SIMEON DE WITT, *Surv'r-General.*

Dated Albany, 28th January, 1831.

DOCUMENTS.

STATE OF NEW-YORK, }
City and County of Albany, } ss.

John Simpson, being duly sworn, deposeth and saith, that he is well acquainted with lot number seventy-four, of the tract of land called the Peru Bay tract, on the west side of Lake Champlain, mentioned and described in a land certificate, executed on the tenth day of March, in the year of our Lord one thousand eight hundred and fourteen, by Simeon De Witt, Surveyor-General of the State of New-York, to Harmanus C. Wendell, and which said certificate has been transferred by said Harmanus C. Wendell to Thomas McLean, and by Thomas McLean to John C. McLean, and that he, this deponent, was well acquainted with the said lot of land, in the month of June, in the year of our Lord one thousand eight hundred and twenty-five, and that it was well worth, at that time, in the estimation of this deponent, three dollars and fifty cents per acre; and that by reason of subsequent improvements in the roads in its vicinity, the said lot is now worth five dollars per acre, exclusive of the improvements on the premises by the present occupant; all which is true according to this deponent's best judgment, knowledge and belief. And further this deponent saith not.

JOHN SIMPSON.

Sworn this 26th day of January, 1830, before me,

J. W. PADDÖCK,
Justice of the Peace.

STATE OF NEW-YORK, }
City and County of Albany, } ss.

John C. McLean, the person named in the above affidavit, being duly sworn, saith, that he purchased of Thomas McLean the said lot number seventy-four, in the above affidavit mentioned, on the twenty-seventh day of July, one thousand eight hundred and twenty-four, for the sum of four hundred dollars, and in addition thereto, was to pay the state the sum due it, upon the original sale of the said lot; and this deponent afterwards contracted to sell the said lot, to one William Spafford, for the sum of four hundred and sixty-nine dollars, exclusive of the said sum due to the state.

JOHN C. McLEAN.

Sworn to this 3d day of February, 1830, before me,

J. H. WENDELL,
One of the Commissioners, &c.

[A. No. 72.]

Commissioners of the Land-Office, }
September 11th, 1830. }

Notes of testimony taken on the application of John C. McLean, under the act, chap. 85, Laws of 1830.

Affidavit of John Simpson read, subject to objection that witness should have been produced.

Isaac Huestis, sworn. Acquainted with lot 74, Peru Bay tract; knew lot before June, 1825; had examined it in reference to its value. In June, 1825, was worth \$3.50 per acre; dont recollect number of acres particularly.

Cross examined. No body then lived on the lot; had been 20 or 30 acres cleared; was an oldish mill standing on lot. In 1814, man lived on lot by name Benjamin Boardman; don't know when he left; but lot was afterwards vacant; cant say it was occupied after 1814, until some years after. Was on it in 1824; not then occupied. Old clearing appeared as though there had been crops; not much if any fences; grown up to brush. In 1814, mill not in use; dont know how long had been out of use; never used since. In 1824, mill of little or no value; frame might be worth a little; and so of remnant of old dam.

Was it worth more than if entirely wild? Can't answer that exactly. Can't say whether worth more for improvements or not.

Knew about the value of lands in a few miles; settled within a mile or two; is a settlement within half a mile I think. Can't say what adjoining wild lots are worth; know the value of lands better 4 or 5 miles off, where I lived; there worth from 3 to 5 dollars. I live in the neighborhood of Maule's patent. I think 74 was valuable for water privilege; dont know as otherwise more valuable than lots adjoining; soil and timber about the same. Don't know the name of creek; have understood it was durable stream, but know nothing about it. Don't know why mill abandoned; heard was a difficulty about it, and irons carried off.

Don't know whether this brook had other mill privileges. I judge of value in reference to prices we paid for lands in Maule's patent. Cant say I formed any judgment of value in 1825, but judge of it now from recollection. Peru Bay tract in Willsborough, this lot about 4 miles from Lake Champlain.

Saw stream in March, and have seen it at different times.

Had been an old road, and been travelled; but was not used when I was there. Travelled road then passed about $2\frac{1}{2}$ miles from this lot.

Timber, pine, hemlock and spruce, and some hard wood. One man settled on the old road leading on to lot, about half a mile from lot.

Thomas McLean, sworn. I once owned this lot; sold it to John C. McLean in July, 1824; he gave me \$400, and was to pay the state.

I had had some acquaintance with the lot; had owned it with another man; had been on the lot, in all, two or three times; can't say which.

Bromley & Stearns built a mill; heard was quarrel between them, and Stearns carried away irons.

Some years after this I bought of Harmanus C. Wendell, who held the certificate, and paid him \$400 for his right. I paid the money to a brother of mine, whom Wendell owed; my brother Francis. I bought after I had seen the lot. Can't tell the year I bought. I took assignment certificate.

The stream, if I had a right idea of it, proceeded from a pond; on this lot was a quite advantageous fall; stream was small; I saw it in March; think it would not carry mill all year. Think it would do business spring and fall.

From what acquaintance had with lot, I thought it worth the price I paid; finally thought it worth more; but was worth that; but not acquainted with the value of land in that quarter. I live 100 miles from it. John C. McLean is my son; he has removed into that quarter of country where lot is; removed before state sold lot; went in fall of 1824. Lived about seventeen miles from the lot; lives there still.

Cross examined. Think first time was on the lot, was with Heustis, in 1814 or after. At this time Heustis and I were interested in lot under Bromley. Bromley sold to Samuel Stevens. I then went to Wendell and bought of him. Three or four years after I went on to lot I bought of Wendell. Can't tell how many years before again on lot, but think about the time I bought of Wendell; this last time on it. Don't recollect being on more than twice; had been nothing done of consequence on lot, between the time of first and second going on to lot; was a smallish kind of house on in; vacant last time I was on the lot; mill not used; think of improvements about as Heustis has stated; house log or frame; cant say which.

I was to pay my brother \$400; I have not paid it yet; he holds my obligation for it. I did nothing with lot while I owned it.

I sold to my son; he gave me his obligation and has only paid a part; he has paid but little; in the whole about \$50. I gave him a credit of three or four years on interest.

Produces note of John C. McLean for \$400, dated, July 27, 1824, payable first November, 1828, with interest.

Endorsed, February 8, 1830,..... \$16 50

" May 31, 1830,..... 25

Witness. Those two sums paid in cash. In August last received \$50 from my son, but was not stated on what account. I have his note for other matters; paid it in rather hurry, just going home; no application made.

Son never did any thing with lot, except payment made to state. In 1824, son sold to Spafford, and he went on to do something to the land.

Don't know whether mill ever did any business; there was the appearance that something had been done; probably sawed enough to cover house and mill; I think no more.

Last time there, think there was a man on 78; can't say any body was on lots adjoining, except on 78; was little improvement on 75, but no one on it.

Can't say whether this stream at any season of the year would carry a mill, except by ponds. Understood was a privilege on lot

below, but have no particular knowledge of matter. Had not been up and down stream; had seen it at a point below this lot.

I think price of lot from state was about \$110. About 170 acres land.

Admitted John C. McLean paid \$35, June 16, 1895. Reference to Comptroller's and Secretary's books; those in evidence; also Surveyor-General's office.

IN ASSEMBLY,

January 29, 1831.

REPORT

Of the Attorney-General on the petition of Zelotes Barker, Rectus Richards and others.

The Attorney-General, to whom was referred by the Assembly the petition of Zelotes Barker, Rectus Richards and others, in relation to certain lands in the county of Delaware,

RESPECTFULLY REPORTS :

That actions of ejectment have recently been commenced against the petitioners, and against claimants unknown, for the recovery of about six thousand seven hundred acres of land, in the county of Delaware, upon the ground that the same had escheated to the people of this state upon the death of John G. Leake, late of the city of New-York, deceased, who died seised of the said lands, without making any devise thereof, and leaving no heir capable of inheriting the same. That for the purpose of ascertaining all the necessary facts, and making service of papers, Jabez Bostwick, Esq. who had been the agent of Mr. Leake, in relation to those lands, was employed by the Commissioners of the Land-Office: and through Judge Bostwick and the muniments of the title of Mr. Leake, the Attorney-General has obtained satisfactory information that the lands in question have escheated to the people: that the petitioners severally occupy lots and parcels of the land, some of them under written contracts for the purchase of the land, and others under verbal agreements with the agent of Mr. Leake for permission to occupy and improve, with a view to becoming purchasers; and it was understood that those who entered under such verbal agreements would be at liberty to purchase upon paying the value of the

land, independent of the improvements they should make. That Peter Kemble, one of the petitioners, holding a contract originally given to John Goodwill, has paid the whole purchase money, and would now be entitled to a deed from Mr. Leake, if he were living : that others of the petitioners have paid part of the purchase money, and would be entitled to conveyances upon payment of the residue : and some of the persons holding contracts have made no payments.

The Attorney-General has also learned that the persons against whom suits have been brought, do not design to make any defence : and they ask by their petition, that the lands which they severally possess, may, when recovered, be granted to them by the state, upon just and equitable principles ; and it is respectfully submitted that grants of the land ought to be made upon the same principles as they would have been made by Mr. Leake, had he been living. This rule would entitle the petitioner above named, who has paid the whole contract price, to a conveyance without any charge or expense : and others who hold contracts would be entitled to conveyances upon payment of such amount as may still be in arrear : and those who entered under verbal agreements as above mentioned, would be entitled to become purchasers upon payment of the value of the land, independent of improvements made thereon. It has been suggested by Judge Bostwick on behalf of some of the petitioners, that the amount of principal and interest, now due upon their contracts, exceeds the value of the land, and that provision should be made, giving persons holding contracts an election to take the land, upon paying the purchase money in arrear, or at its value independent of improvements : and in favor of such liberal provision, it is said that Mr. Leake at all times dealt very favorably by the occupants of his lands, and that he never deprived any one of his improvements because he was unable to pay the purchase money. The fitness of such a provision in any law to be passed on the subject, belongs to the Legislature. The lots and parcels of land occupied by the petitioners, amount in quantity to about three thousand and fifty acres, and the vacant lots and parcels for the recovery of which proceedings have been instituted against claimants unknown, amount to about three thousand six hundred and fifty acres.

It is provided by the Revised Statutes, (1 R. S. p. 718, § 2,) that escheated lands held by the state, shall be subject to the same trusts to which they would have been subject had they descended ; and that the court of chancery may direct the Attorney-General to exe-

cute those trusts. Under this provision, some of the occupants might compel conveyances on the fulfilment of their contracts of purchase: but as this remedy would be attended with delay and expense, it seems to be a proper case for special provision by law, directing the Commissioners of the Land-Office, to what classes of persons, and upon what terms to make grants. Such vacant lands as may be recovered will be subject to sale by the Commissioners, in the same manner as the other unappropriated lands belonging to the state.

It has already been mentioned that it had been found necessary to employ an agent in relation to the lands in question: and the Attorney-General has received satisfactory information that large tracts of land, situated in other counties of the state, have also escheated to the people upon the death of Mr. Leake. Before proceedings can be instituted to recover those lands, it will be necessary to employ one or more agents to ascertain facts in relation to the title, the situation and description of the lands, and to perform various other indispensable services: and it is respectfully suggested that provision ought to be made by law, authorising the Commissioners of the Land-Office to employ such agents as they may deem necessary, in relation to lands which have already escheated, or which may hereafter escheat to the people of this state: and that they audit and direct the payment of a proper allowance to such agents.

It may not be improper to mention, that several lots and buildings in the city of New-York, formerly owned by Mr. Leake, have already been recovered, probably amounting in value to seventy thousand dollars: and it is respectfully submitted, whether the costs of the Attorney-General, where he has already recovered, or may hereafter recover escheated lands, should not be paid by the state, where such costs shall not be paid by any other person. In relation to all the escheated lands in the military tract heretofore recovered, costs were paid by the state; but it may be doubted whether such payments are now authorised by law.

Respectfully submitted.

GREENE C. BRONSON,
Attorney-General.

January 28th, 1831.

IN ASSEMBLY,

January 21, 1831.

ANNUAL REPORT

Of Van Benthuisen & Rudes, Inspectors of Pot and
Pearl Ashes for the city of Albany.

To the Honorable the Legislature of the State of New-York.

The undersigned, inspectors of pot and pearl ashes in the city of
Albany,

RESPECTFULLY REPORT :

That from the first of January 1830, to the first of January 1831,
they have inspected as follows, to wit :

71 barrels pearl ashes.			
1,529	"	pot	"
466,331 pounds first sort pot ashes.			
110,929	"	second	"
9,378	"	third	"
31,260	"	first sort pearl ashes.	
7,704	"	second	"
433	"	third	"

Fees received, \$710 63

Respectfully submitted.

VAN BENTHUISEN & RUDES.

Albany, January 16, 1831.

[A. No. 74.]

IN ASSEMBLY,

January 22, 1831.

ANNUAL REPORT

Of Edward G. Fuller, an Inspector of Lumber for
the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

Amount of lumber inspected and measured by the undersigned,
who would submit it to the legislature of the state of New-York,
from 24th of April 1830, to 16th of December 1830, viz.

50,755	feet	first quality	pine	lumber,
119,409	"	second	"	"
365,636	"	third	"	"
225,470	"	fourth	"	"
416,220	"	face measure	"	"
216,534	"	white wood,	half inch	merchantable.
9,279	"	"	chair plank	first quality.
8,225	"	"	"	second quality.
18,665	"	bass wood,	half inch,	merchantable.
16,928	"	cherry lumber,	merchantable.	
16,855	"	ash	"	"
17,492	"	maple scantling,	"	"
6,417	"	oak plank,	"	"
12,290	"	spruce timber,	"	"
1,446	"	hemlock timber,	"	"

Total 1,501,621 feet.

Received for inspection and measuring the same, \$559 39

EDWARD G. FULLER,
Inspector.

Troy, January 20, 1831.

[A. No. 75.]

IN ASSEMBLY,

January 24, 1831.

REPORT

Of the select committee, on the petition of the common council of the city of Hudson.

Mr. Myers, from the select committee to whom was referred the petition of the common council of the city of Hudson, relative to the fire department thereof,

REPORTED:

That the common council of that city have now the power to appoint fire wardens; but the persons thus appointed have not the exemptions and privileges of other firemen, and as their duty is in many respects arduous and responsible, your committee can see no good reason why they should not be placed on the same footing.

It appears to your committee, that more than 1,000 feet of hose are attached to the supply engines in that city. The present number of tub and hose men being twenty, is not sufficient for a prompt and effectual use thereof.

Your committee therefore think the prayer of the petitioners ought to be granted. They have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

January 25, 1831.

REPORT

**Of the committee on claims, on the petition of
Bartholomew E. Vrooman.**

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of Bartholomew E. Vrooman,

REPORTED :

The petitioner alleges that in August 1780, while under arms as one of the militia in a regiment commanded by Col. Peter Vrooman, he was captured by a party of hostile Indians and carried to Canada, where he was imprisoned in the common jail of Montreal until October 1782, when he was discharged on his parole. He urges that others who were captured at the same time, and whose sufferings were not greater than his, have received the bounty of the State ; and on the strength of the precedents thus established, he asks for relief. It does not appear that his circumstances are such as to compel him to rely on any bounty or charity for the comforts or conveniences of life.

Under these circumstances, your committee are of opinion that no ground of claim is furnished by the petitioner, which can be recognized by the Legislature. All our citizens participated more or less in the sufferings and privations consequent upon the struggle for our independence. The frontier inhabitants, of whom the petitioner was one, were peculiarly exposed ; numbers of them were cruelly massacred by the savages ; others witnessed the conflagration of their dwellings and the destruction of their property ; others were carried into captivity, where many died leaving widows and orphans to the charity of the world, while others lived to return to their

country. It is not possible for a government to compensate for these inequalities; the wealth of the national treasury would be inadequate to the relief of all these sufferings. To make exceptions in favor of particular individuals, evinces favoritism rather than that general and impartial legislation which should distinguish a free government. To admit the claim of the petitioner in this case, and to deny it to others who have suffered as much or more, and particularly to deny it to those orphans who in losing their fathers, lost every thing but hope, would, in the opinion of your committee, be unequal and unjust. It is true, precedents have been established; relief has been granted to those persons whose cases can not well be distinguished from that of the petitioner. But your committee can not acknowledge the binding force of such precedents, and they are unwilling to add to their number or authority.

The committee therefore recommend to the House, the adoption of the following resolution:

Resolved, That while this House commiserate the sufferings of Bartholomew E. Vrooman and his unfortunate associates in captivity, and applaud their constancy and devotion in the service of their country, yet that a regard to those general principles of legislation which should distinguish a free and equal government, forbid the granting the prayer of his petition, and that he have leave to withdraw the same.

IN ASSEMBLY,

January 31, 1831.

REPORT

Of the Commissioners of the Land-Office on the
petition of Esther Chase.

The Commissioners of the Land-Office, to whom was referred by
the Assembly, the petition of Esther Chase,

RESPECTFULLY REPORT :

That the petitioner represents that she is the widow of Jeremiah Chase, who died in the year 1797, leaving her a right of dower in lot No. 88 of the Brothertown Tract. That in May, 1821, the lot was sold by mistake on the mortgage given by her husband for the original purchase money of the lot, by which means she has lost her right of dower; and she prays relief.

By an act passed April 17, 1822, (Laws of 1822, p. 286, § 4,) the Commissioners of the Land-Office were required to make compensation to Clark Chase for such damages as he had sustained on account of the sale of his lands by mistake. The lands referred to in this act, were the lot above mentioned. In pursuance of that act the Commissioners of the Land-Office, on the 29th of September, 1823, ordered the payment of \$731.06 to Clark Chase. A report of the Attorney-General, made in pursuance of the fifth section of the said act will be found in the Assembly Journal of 1823, p. 1053. By the Assembly Journal of 1825, (Appendix I, p. 1,) it will be seen that a petition of the applicant for relief was referred to the late Comptroller, and that he made a report thereon, which was referred to the committee on ways and means. It has not been ascertained that any further proceedings were had at that session of the Legislature. It may be proper to remark that there was an error in this

report, in relation to the date of the mortgage executed by Jeremiah Chase: from the original entry in the Comptroller's books, the mortgage appears to have been executed on the 15th day of September, 1795. In 1826 the petitioner again applied, and her petition was referred to the committee on grievances, (Assembly Journal, 1826, p. 895.) No further proceedings appear to have been had at that session. By the Assembly Journal of 1828, it appears that the petitioner again applied, and her petition was again referred to the then Comptroller, who made a report thereon, which was ordered to lie on the table, (pp. 578, 619.) By the Assembly Journal of 1829, it appears that a petition of the applicant was presented, and referred to the committee on claims; and that upon a report made by that committee, the petitioner had leave to withdraw her petition, (pp. 490, 1170.) In 1830 she again applied, and her petition was referred to the committee on grievances, but no report appears to have been made. (Assembly Journal, p. 76.)

The Commissioners of the Land-Office are not possessed of any further information in relation to this claim. No evidence is offered to show that the petitioner is the widow of the original mortgagor; and should such evidence be presented, it is respectfully submitted that it would then be proper, before granting any relief, to inquire whether the petitioner had not united with her husband in a conveyance of the land, so as to bar all legal or equitable claim to dower.

Respectfully submitted.

GREENE C. BRONSON, *Att'y-Gen.*

A. C. FLAGG, *Secretary.*

SILAS WRIGHT, JR., *Comptroller.*

SIMEON DE WITT, *Surveyor-Gen.*

Albany, January 28, 1831.

IN ASSEMBLY,

January 25, 1831.

REPORT

Of the committee on claims, on the petition of
Joseph Hackney.

Mr. J. C. Spencer, from the committee on claims, to which was
referred the petition of Joseph Hackney,

REPORTED—

The petitioner alleges and has adduced some proof to establish the facts, that in the year 1782, he enlisted to serve in some one of the regiments of this state in the army of the revolution for the term of three years: that he was attached to Capt. Moody's company, in Col. Lamb's regiment, in which he remained until some time after the close of the war; and that in 1785, he enlisted for three years more. He prays that the usual quantity of bounty lands promised to the soldiers who served in the line of this State, may be granted to him.

Admitting all the facts stated by the petitioner, they do not bring him within the resolutions and acts of the Legislature promising bounty lands. These were expressly confined to those who enlisted to serve during the war. This is the settled construction which has uniformly been given to them, as well by the commissioners of the land-office in distributing the bounty lands, as by the acts of the Legislature in granting relief to individual claimants; and your committee cannot find an instance of a contrary construction. It is therefore deemed too well settled to be questioned or disturbed. The consequences of now establishing a different rule, would subject the treasury to claims of incalculable extent. A bill was reported at the

last session in favor of the petitioner, on the ground it is presumed, that he had enlisted to serve during the war. The fact appears clearly to be otherwise, by the evidence which he offers.

Your committee recommend to the House the adoption of the following resolution :

Resolved, That the prayer of the petition of Joseph Hackney ought not to be granted.

IN ASSEMBLY,

January 26, 1831.

REPORT

Of the committee on canals and internal improvements, on the petition of Benjamin H. Payn.

Mr. Turrill, from the committee on canals and internal improvements, to which was referred the petition of Benjamin H. Payn,

REPORTED—

The petitioner sets forth in his petition that the canal commissioners in constructing the Champlain canal in the year 1820, entered upon his premises at Fort Miller, and destroyed wheat then growing on the same, to the value of thirty dollars, for which the petitioner has received no compensation.

The said Payn made an application to the Legislature at its last session, for remuneration for the damages then sustained by him, but his application was made so late in the session, that the bill introduced for his relief was not passed upon by the house.

It appears from the report of the canal commissioners, made to the Legislature last winter upon this subject, that the facts set forth by the petitioner in his petition relative to the damages sustained by him are true, and that he has received no compensation for said damages. Your committee are therefore of the opinion that the prayer of the petitioner ought to be granted, and have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

January 26, 1831.

REPORT

Of the committee on colleges, academies and common schools, in relation to the Revised Statutes concerning common schools.

Mr. Morehouse, from the committee on colleges, academies and common schools, to whom was referred an act to amend the Revised Statutes relating to common schools,

REPORTED—

That by the Revised Statutes, the commissioners of common schools are to apportion the school monies received by them among the several districts within their town, in proportion to the number of children residing in each within the ages prescribed, as the same shall appear by the last annual reports of the trustees of the respective districts; provided always, that the district from which no sufficient annual report shall have been received, and in which a school shall not have been kept for at least three months during the year ending at the date of its report, &c. shall not receive any apportionment of monies.

The enumeration of the children is supposed to be made on the last day of December, annually; and the report must be dated on the first day of January in every year.

The 26th section of article 3d of the title of the statutes relating to common schools, provides for an equitable apportionment of the school monies in cases of alteration or formation of a district after the annual reports are made to the commissioners, and before the the apportionment of the monies, but does not extend to the more

common case of an alteration or erection of a district in the autumn, and so immediately preceding the first of January ensuing, as to render it impracticable to have had a school kept therein for three months antecedent the report. The operation of the law as it now exists, will exclude a district from a participation in the school monies for the year succeeding its formation, if formed subsequent to the first of October in any year, although such district is formed from another or other districts in which a school has been duly kept, and the money which its inhabitants would have had the benefit of as a component part of the district from which they are taken, is apportioned generally.

The committee can discover no good reason for continuing this obviously inequitable consequence; and they recommend the passage of the act referred to them as an adequate provision for the case suggested.

IN ASSEMBLY,

January 22, 1831.

ANNUAL REPORT

Of Abraham A. Slover, an Inspector of Lumber for
the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

Agreeable to the Revised Laws, I, as an Inspector of lumber, make
the following returns for the year 1830, viz :

Feet.	Per thousand.
9,606 ash cot. joist worth from,	\$7 50 to \$10 00
12,870 oak plank and boards,	15 00 to 20 00
15,506 maple joist,	15 00 to 20 00
905 cherry boards,.....	35 00
7,934 basswood boards, $\frac{1}{2}$ inch,	6 00 to 7 00
15,210 cedar boards, $\frac{1}{2}$ inch,	15 00 to 20 00
56,443 whitewood boards, $\frac{1}{2}$ inch,.....	11 00 to 16 00
629,561 pine boards inch thick by measure, suit- able for boxes,.....	10 00 to 12 00
23,818 pine plank and boards, clear,.....	24 00 to 27 00
15,954 " " " merchantable,.	16 00 to 20 00
6,050 Spanish cedar, 4 to 6 cents per super- ficial feet,.....	
4,220 satin wood,	10 00 to 15 00
62,104 Mobile red cedar,.....	2 50 to 3 50
682,497 St. Domingo mahogany,	8 00 to 30 00

Total amount of earnings,..... \$893 19

ABM. A. SLOVER,
Inspector.

New-York, Jan. 18, 1831.

[A. No. 82.]

1. The first part of the paper is devoted to a general discussion of the problem of the existence of a solution of the system of equations

which is satisfied by the functions u_1, u_2, \dots, u_n and v_1, v_2, \dots, v_n and the functions u_1, u_2, \dots, u_n and v_1, v_2, \dots, v_n are defined by the system of equations

where $\Delta u_i = \Delta v_i = 0$ in the domain G and $\Delta u_i = \Delta v_i = 0$ on the boundary Γ of the domain G and the functions u_i and v_i are defined by the system of equations

where $\Delta u_i = \Delta v_i = 0$ in the domain G and $\Delta u_i = \Delta v_i = 0$ on the boundary Γ of the domain G and the functions u_i and v_i are defined by the system of equations

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IN ASSEMBLY,

January 24, 1831.

ANNUAL REPORT

**Of James M. Nelson, an Inspector of Lumber for
the city and county of New-York.**

Hon. GEORGE R. DAVIS,
Speaker of the Assembly.

SIR—

In pursuance of an act of the legislature of this state, entitled "An act to amend 'An act directing the mode of appointing certain officers whose appointments are not otherwise provided for by the constitution,' passed February 2nd 1827," and in pursuance of the 197th section of the 13th article of the 2nd title of the 17th chapter of the first part of the Revised Statutes, I have the honor of herewith transmitting to you, for the use of the legislature, a report, showing the quantity, quality and value of the lumber measured and inspected by me, for the year immediately preceding the first day of January inst., together with the amount of fees and emoluments derived from my said office, of inspector of lumber.

I have the honor to be,

Very respectfully,

Your obt. servt.,

JAMES M. NELSON,

Inspector.

New-York, Jan. 1831.

[A. No. 83.]

SCHEDULE,

Showing the quantity, quality and value of lumber measured and inspected by James M. Nelson, one of the inspectors of lumber, in and for the city and county of New-York, from the first day of January, to the 31st day of December, 1830, together with his fees for measuring and inspecting the same.

Amount and quality of Lumber inspected.

Quantity, feet.	Description of Lumber.	Value.	Amt. fees.
173,173	Clear pine boards and plank,.....	\$5,195 19	
208,982	2nd " " " at \$20,	4,179 64	\$180 20
98,391	3d " " " at 15,	1,475 65	
444,899	4th " " or box boards,..	5,338 65	111 22
786,523	Pine beams or house timber,.....	9,438 76	260 94
245,163	" 2nd quality " 1 price,	1,470 97	85 93
278,218	Merchantable spruce timber,.....	2,782 18	104 33
149,823	2nd " " "	749 11	56 18
60,544	Merchantable hemlock timber, ...	484 35	18 70
65,751	2nd " " "	263 00	20 65
56,372	Maple joist boards and plank,....	753 08	21 32
16,510	Ash boards and plank,	286 67	6 19
13,347	Oak " "	160 16	5 00
18,697	Ash cot joist, at \$10,	186 97	7 00
122,052	Whitewood boards at \$13,	1,586 67	45 76
73,210	Merchantable whitewood plank,..	2,928 40	27 45
23,871	2nd " " " ..	457 42	8 57
25,210	Merchantable white wood col.,...	504 20	9 40
12,105	2nd " " " ..	121 05	4 53
14,230	Merchantable chesnut joist,	199 22	5 33
13,890	2nd " " "	97 23	5 23
2,900,461		\$38,652 77	\$963 93

RECAPITULATION.

Whole quantity of pine boards,.....	925,445 feet.
" " pine, spruce and hemlock timber,	1,586,022 "
" " whitewood plank, boards, joist, &c.	255,448 "
" " maple, oak, and other hard wood,	133,546 "

Total 2,900,461 feet.

IN ASSEMBLY,

January 22, 1831.

ANNUAL REPORT

Of Peter Conrey, an Inspector of Lumber for the
city and county of New-York.

To the Honourable the Legislature of the State of New-York,

Feet.		Fees.
551,767	11 inch. mahogany logs, boards and plank, &c. sold from 7 to 30 cents per foot,	\$551 76
507,131	spruce and pine timber, sold from \$10 to 13 per M.	126 78
74,141	pine boards and plank, sold clear from \$26 to 28 merchantable at \$14 to 16 per thousand,	27 80
558	Spanish cedar, sold from 6 to 8 cents per foot, }	1 87
1,325	sattin wood, " " " }	
19,605	cedar boards, sold at \$20 per M.....	7 35
4,491	maple joist, " 15 "	1 68
14,198	cherry boards, " 20 "	5 28
8,075	whitewood " " 15 "	3 00
4,810	oak plank, " 20 "	1 85
670	chesnut scantling, " 12 "	25
102,340	pine box boards, from \$10 to 12 per M.....	25 58
9,773	sheathing " at \$10,.....	3 70
58,203	cypress shingles, from \$2 75 to 3 00 per M. ...	9 47
737	ash plank, sold at \$20 per M.	34

Total amount of fees, \$766 71

PETER CONREY,
Inspector.

New-York, Jan. 18, 1831.

IN ASSEMBLY,

January 26, 1831.

REPORT

Of the committee on grievances, on the petition of
E. Simpson.

Mr. Birdsall, from the committee on grievances, to whom was referred the petition of E. Simpson, lessee of the Park theatre in the city of New-York,

REPORTED—

The petitioner represents that previous to the 29th day of April, 1829, he became the lessee of the Park theatre in the city of New-York, for a term of several years, yet unexpired, and covenanted to pay, under heavy penalties, a large sum of money for the use and occupation of the same.

That on the 29th day of April, 1829, an act was passed by the Legislature, entitled "An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New-York, and for other purposes;" in which act it is provided by the 4th section thereof, "that no theatre or circus, or building for exhibiting theatrical or equestrian performances in the city of New-York, shall be opened for such exhibitions after the first day of May next, unless the manager or proprietor thereof shall annually obtain from the mayor of the said city, a license therefor; which license the said mayor is authorised to grant, to continue until the first day of May ensuing the grant thereof:" and by the 5th section thereof, "that upon granting every license authorised by the preceding section, the mayor shall receive from the person to whom the same shall be granted, the sum of five hundred dollars for each theatre, and the sum of two hundred and fifty dollars for each circus; which sums,

[A. No. 85.]

when so received shall be paid over to the treasurer of the society for the reformation of juvenile delinquents in the city of New-York, for the use of the said society."

The petitioner alleges that the above recited sections are in their operation, partial, unjust, and inevitably ruinous to those, who, at immense expense have erected, leased and fitted up theatrical establishments, and especially to the petitioner, and therefore prays a repeal or modification of the law.

How far the assessment upon theatrical licenses may prove ruinous or oppressive to the petitioner, your committee can only judge from the representations of the petitioner himself, as set forth in his petition. These representations are sustained simply by his own signature.

He has omitted to sanction them even by his own oath, and no other proof of the injurious operation of the law complained of, has been offered.

While your committee are disposed to accord to the assertions of the petitioner the same credit they would to those of any other individual, they submit that in no case however trifling, would it be safe or expedient to repeal a deliberate enactment of the Legislature, imposing an assessment upon a class of individuals, upon the mere complaint of one of those individuals, that the assessment was too high; much less in a case when the assessment is so important, both in reference to the amount, and the object to which it is appropriated.

So far therefore as the tax is alleged to be oppressive and ruinous to theatrical establishments in the city, your committee are compelled to say that sufficient proof has not been offered, in their judgment, to justify the allegation.

Your committee cannot but remark, that although the sum charged by the law for a theatrical license, is an amount of some magnitude in ordinary business establishments, yet as an item either in the receipts or disbursements of a leading theatre, in a populous city, it sinks into very minor consequence, and they can scarcely persuade themselves that a theatre, which was well sustained before, can be broken down and ruined under the tax referred to.

It may be further remarked, that the persons on whom this tax falls, in the first instance, would seem to hold in their own hands an ample remedy. The addition of a very small per cent to the price of their tickets, would transfer the tax from the venders to those who purchase the tickets, and on whom, perhaps, it was the policy of the law to cast it.

Touching the charge of the petitioner, that the law is partial and unjust in its operation, your committee have only to say, that a former legislature has thought proper to impose on theatres, circuses, taverns and groceries in the city of New-York, the necessity of obtaining annually a license for their respective businesses, and charged that license, when asked for by them, with a specific tax, the object of which is to create a fund in aid of the society for the reformation of juvenile delinquents in that city.

Without speculating upon the motives or policy which produced the enactment of the law, and without opening the question of the moral tendency of theatrical exhibitions in populous towns, or the agency they may have in producing the depravity which it is the object of the law to provide against, your committee deem it a sound principle in social economy, to tax the public amusements and luxuries of a city population, to a very considerable extent at least, with the correction of its vices, and the reformation of its delinquents.

If it should not be conceded that the ordinary public amusements and luxuries of our cities tend in given cases to produce the minor vices and delinquencies that occur there, still the policy of the law is sustained by the fact, that it is merely averting and saving for the use of laudable and indispensable institutions, a small portion of the mass of unnecessary, if not profligate, expenditure which will thus occur.

Your committee are not, therefore, prepared to censure the policy of the tax in question, although specific and partial in its assessment.

Your committee have not been able to learn in much detail, the constitution, system and operation of the society for the reformation of juvenile delinquents; they have learned enough, however, to satisfy them of the generous and active philanthropy which impels the members of that society, and that the institution, already productive of much good, promises to be one of the happiest devices

of modern times, for the prevention of crime and the reformation of offenders : Your committee would, therefore, feel unwilling to withdraw any part of the present support of this institution, and especially the assessment upon theatrical exhibitions, unless fully persuaded that the tax was so onerous and burdensome in amount, that it could not well be provided for by those establishments ; of this fact your committee as above set forth, have not had sufficient evidence.

They have therefore instructed their chairman to offer the following resolution :

Resolved, That the said committee be discharged from the further consideration of the petition, and that the petitioner have leave to withdraw the same.

IN ASSEMBLY,

January 27, 1831.

REPORT

Of the committee on the petitions of aliens, on the petition of Jabez D. Hammond, James Maher and John Furlong.

Mr. Cargill, from the committee on the petitions of aliens, to which was referred the petition of Jabez D. Hammond, James Maher and John Furlong,

REPORTED:

The petitioners state that one Patrick Furlong, for many years prior to the year 1816, resided in the city of Albany: That having accumulated considerable real and personal estate, he in the said year 1816, returned to his native place, which was in the neighborhood of the city of Westford, in Ireland, where he died in the year 1825. That previous to his death he bequeathed and devised all his personal and real estate in the county of Albany and in the county of Seneca, in this State, to John Furlong, one of the petitioners. That he authorised and required his executors named in the will, to sell his said estate, and put the avails thereof at interest for the benefit of the said John Furlong. That the said John Furlong is about eighteen years of age, and is an alien. That the said Patrick Furlong died seized of a house and lot in the city of Albany, worth about two thousand five hundred dollars.

That the executors named in the said will are all aliens, and now reside and always have resided in the kingdom of Ireland, and therefore are incapable of acting as executors in the State of New-York. That the will has been duly proved before the surrogate of the county of Albany, and administration thereof granted with the will an-
[A. No. 86.]

nexed, to Jabez D. Hammond, also one of the petitioners ; and James Maher, another of said petitioners, has been duly appointed guardian of the said John Furlong, during his minority ; and the petitioners pray that a law may be passed authorising the said Jabez D. Hammond, in compliance with the directions contained in said will, to sell said estate, and convey the same free from all claim or demand upon the same, by, from, or under the people of this State.

Your committee believe the facts stated in the petition to be true. And it has further satisfactorily appeared to your committee, that the said Patrick Furlong is the same person who was known in Albany by the name of Peter Furlong ; and that at the time of the death of the said Patrick Furlong, he had no lawful heirs who were citizens of this State or of the United States.

Your committee are therefore of opinion that the prayer of the petitioners is reasonable and ought to be granted, and have prepared a bill for that purpose, and instructed their chairman to ask leave to present the same to this House.

IN ASSEMBLY,

January 27, 1831.

REPORT

Of the select committee on the petition of inhabitants of the county of Kings.

Mr. Downing, from the select committee to which was referred the petition of sundry inhabitants of the county of Kings,

REPORTED :

The petitioners allege that the rearing of horses engages much of their attention ; but in consequence of the restraint the law imposes upon them, they are prevented from advancing the animal to that high state of improvement of which he is susceptible. The value of horses depends much upon their speed, strength and activity ; qualities which may be best tested by trial of speed under proper regulations. Course racing has been authorised in several counties of this State, and experience fully demonstrates the superiority of the breed of horses wherever it has been permitted. The excellence of the breed in the southern, as compared with the northern states, is ample evidence of this fact.

The Legislature in passing a prohibitory act upon this subject, intended doubtless to guard the public morals ; a design which has been entirely frustrated by the frequent practice of that kind of racing which induces the greatest immorality. While the law enforces obedience only from those whose example and influence would correct many of the evils arising from racing as a dissipated amusement. Under which view, the committee would respectfully suggest an acquiescence on the part of the Legislature in the prayer of the petitioners—as affording to them the fullest encouragement to the improvement of the breed of their horses. For this purpose a bill has been prepared, and leave is asked to introduce the same.

[A. No. 87.]

IN ASSEMBLY,

January 24, 1831.

ANNUAL REPORT

Of Richard McCarty, an Inspector of Flour for the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

Report of flour and meal inspected in the city and county of New-York, and in Kings county, from 1st Jan. 1830, to 1st Jan. 1831, made pursuant to the Revised Statutes of the state of New-York, viz:

	Value per bbl.	
731,412 bbls. superfine flour, at,	\$5 25 is	\$3,839,915 00
53 " extra superfine flour, at, ..	5 75 is	304 75
22,588 half bbls. " " ..	2 75 is	62,117 00
43,991 bbls. fine flour, at,	4 94 is	217,315 54
433 half bbls. fine flour, at,	2 56 is	1,108 48
10,637 bbls. bad flour, at,	4 25 is	45,207 25
16 half bbls. bad flour, at,	2 12½ is	34 00
8,758 bbls. fine m'gs. at,	4 56 is	39,936 48
77,99 " m'gs. at,	4 00 is	31,196 00
6,066 " ship stuffs, at,	5 25 is	19,714 50
15,167 " rye flour, at,	3 12½ is	47,396 87
49 half bbls. rye flour, at,	1 75 is	85 75
10,316 hhds. Indian meal,	13 00 is	134,108 00
9,663 bbls. "	3 00 is	28,989 00
158 " buckweat flour,	3 50 is	553 00
486 half bbls. "	2 00 is	972 00

Whole value inspected in the city of New-York, .. \$4,468,951 63

Total amount in the city of New-York.

808,716 bbls. wheat flour.
 53,037 half bbls. wheat flour.
 15,167 bbls. rye flour.
 49 half bbls. rye flour.
 10,316 hhds. Indian meal.
 9,663 bbls. "
 158 bbls buckwheat flour.
 486 half bbls. buckwheat flour.

INSPECTED IN KINGS CO.

7,013 bbls. superfine flour, at,.....	\$5 22 is	\$36,818 25
1128 " " fine flour, at,	4 94 is	507 62
		<hr/>
		\$37,325 87
		<hr/>

Light, and undertared,..... 2,347

The fees received are, for boring, inspecting, plugging, and branding each barrel, one and a half cents; and for each hhd. four cents; for weighing each bbl. light or undertared, six cents. The inspector has had from nine to twelve (at no time less than nine) assistants employed in executing the duties of the office in the city of New-York; and a deputy inspector for Kings co. who has all the fees received at that place for his services. He has, besides paying his assistants, paid and laid out on account of the office, for rent, fuel, brands, plugs, &c. eighteen hundred and fifty dollars.

RICHARD McCARTY,
Inspector.

New-York, Jun. 1831.

IN ASSEMBLY,

January 24, 1831.

ANNUAL REPORT

Of John K. Townsend, an Inspector of Flaxseed for
the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

The inspector of flaxseed for the city of New-York,

REPORTS:—

That he has inspected 9,758 casks, and 986 half casks, seed,
from 1st January 1830, to 1st January 1831.

Value, \$112,800 00

FEEES.

Inspecting 9,758 casks, at 5 cents, \$487 90

“ 986 half casks at 3 cents, .. 29 58

—————
\$517 48

Expenses for the year, 130 00

————— \$387 48

JNO. K. TOWNSEND,

Inspector.

New-York, Jan. 10, 1831.

[A. No. 89.]

IN ASSEMBLY,

January 24, 1831.

ANNUAL REPORT

Of Elias Disbrow, an Inspector of Lumber for the
city of Troy, county of Rensselaer.

To the Honorable the Legislature of the State of New-York.

The undersigned, an inspector of lumber for the county of Rensselaer, respectfully submits an account of the lumber inspected and measured by him during the year eighteen hundred and thirty, as follows, to wit :

Feet.	
19,893	first quality.
34,370	second quality.
52,922	third “
288,500	fourth “
<hr/>	
Total 395,685	feet.
74,213	pine face measure.
20,423	hemlock timber,
140,910	whitewood boards.
5,930	“ chair plank,
6,358	ash plank,
4,374	cherry lumber.
4,124	plane maple.
858	curl “
2,446	oak lumber.
512	elm “
966	basswood.

Total amt. 656,199

Amount of fees received for the same, \$226 67

ELIAS DISBROW,
Inspector.

Troy, January 22, 1831.

[A. No. 90.]

THE NATIONAL BUREAU OF STANDARDS
WASHINGTON, D. C.

DEPARTMENT OF COMMERCE
BUREAU OF STANDARDS
WASHINGTON, D. C.

STANDARD
WEIGHTS
AND
MEASURES

STANDARD
WEIGHTS
AND
MEASURES

STANDARD
WEIGHTS
AND
MEASURES

STANDARD
WEIGHTS
AND
MEASURES

IN ASSEMBLY,

February 2, 1831.

REMONSTRANCE

Of Lot Clark, against the petition of L. A. Spalding.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

The undersigned has seen the memorial of Lyman A. Spalding, presented to your honorable body on the 24th ult. praying, among other things, that a law may be passed ordering the Canal Board to cancel a lease of the surplus water at Lockport, made by the state authorities to Richard Kennedy and Junius H. Hatch, under which it is not alleged any breach on the part of the lessees has been committed or suffered. He has also seen another memorial, signed by divers inhabitants of the county of Niagara, in aid of the memorialist, Lyman A. Spalding, praying that the Legislature will "stop the present diversion" of the surplus waters at that place. The names of the petitioners to this latter memorial, except in very few instances, are entirely unknown to the undersigned; and by what means they have been induced to lend themselves in a controversy so exclusively of a private character, he is unable to divine. But he earnestly hopes the period has not yet arrived, when questions of abstract right and vested interest are to depend on the activity and dexterity of the parties, in procuring the names of persons who know nothing of the merits of the case, and must of necessity depend entirely on ex parte representations for the judgments they form.

It is with regret that the undersigned is compelled to trouble your honorable body with a long history of private transactions, in which the impartial public can feel no interest, except so far as the irksome duty of examination is forced upon them; and he would gladly abstain, but for the extraordinary course pursued on the other hand.

[A. No. 91.]

The memorialist, after having made this controversy the means of keeping alive the flame of contention in an excited community—after having travelled a round of judicial proceedings, has seen fit to throw before your honorable body his memorial, full of misrepresentations and prevarications, and from which no just idea of the controversy can be drawn.

The undersigned therefore hopes to be pardoned, if in giving a true statement of the case, he should be compelled to refer to documents connected with the transaction, more prolix than a knowledge of it would seem at first view to require.

In April 1825, the Legislature of this state passed a law authorising the Canal Commissioners to lease any water which might be spared from the Erie or Champlain canals, "to such person or persons as would be willing to give the highest annual rent therefor." By the deep cut from Lake Erie to the Genesee level, through the mountain ridge, the water brought from the lake produced a valuable power at Lockport: which, in July 1825, was advertised by the commissioners, pursuant to the statute, and proposals received, until some time in August following, when it was ascertained that Darius Comstock, the owner of lands at that place, had offered fifty dollars, and Richard Kennedy, a merchant, living near the locks, had offered two hundred dollars, annual rent. No discretion was left the commissioners. The statute was peremptory, that it should go to the highest bidder; and about the last of August, the time for receiving proposals having expired, it was made known that they would make the lease to Kennedy, and that they were ready to execute the same; but Kennedy had in the mean time associated with him Junius H. Hatch, who was to become a party to the lease, and the execution was for that reason postponed until the meeting of the commissioners at Albany, in January following, when the parties met; and on the 25th of January, 1826, the lease was executed. All of which was well known at Lockport, from the time the propositions were made public, and caused much speculation as to the probable advantage or disadvantage of Kennedy's purchase.

Sometime near the last of September, and after it was well known to every body concerned, that the lease would be made to Kennedy and Hatch, the memorialist, under an avowed determination to oust them of all benefit under the lease, purchased of Comstock the land named in his memorial; but Comstock had the prudence to insert in

the deed a clause exempting himself from all liability in consequence of the claims of the state and their lessees.

This purchase by the memorialist was made with a knowledge of all the facts, and in view of the rights of the lessees to their full extent. At that time the memorialist might have possessed himself of the lease for a trifling sum, and probably less than the expense of the litigation that ensued between him and Kennedy. As soon as the memorialist attempted to change the course of the water, Kennedy commenced several suits against him, which were removed into the higher courts by pleas of title, none of which were ever tried, as Kennedy soon after died, leaving a widow and children, who were unable to litigate the question. Early in the spring of 1826, the memorialist, contrary to the admonition of two of the commissioners, (as the undersigned has been informed,) and the advice of many of his friends, commenced the mill which was completed late in the fall following. Although the memorialist may have made some preparation the fall previous, yet the undersigned has always understood from the inhabitants at that place, that the works were constructed in 1826.

This flouring-mill was placed over the race where it entered the natural basin of the canal below, and the water carried to a different point.

The undersigned was not at Lockport until the year 1828; but the foregoing are the facts, as he has received them from the inhabitants who were then present and familiar with the whole, and of their general correctness he has no doubt.

The rent reserved to the state has ever since been regularly paid by the lessees, and those claiming under them.

Some time after the death of Kennedy, his interest in the lease fell into the hands of Seymour Scovill, a citizen of that place. On the 12th day of July, 1827, the memorialist executed to Sylvester R. Hathaway and John Gooding, a warrantee deed, with covenants of seisin, and further assurance of the race constructed by the state, and extending along the brow of the hill across his land, to lands owned by them below, for the purpose of making a ditch which would convey the surplus waters, to what is now called Lower Lockport, reserving to himself a right to convey water therein, sufficient to propel 20 run of stones from the upper ditch, and in consideration

thereof, the said Hathaway and Gooding, bound themselves to construct such ditch, which was done by them, and cost about \$4,000; and on the same day he executed to them a contract for water sufficient to propel four run of stones, which was to be conveyed in the ditch; an extract of which contract is as follows:

“ This agreement, made and concluded this 12th day of July, in the year of our Lord 1827, by and between Lyman A. Spalding, of the first part, and John Gooding and Sylvester R. Hathaway, of the second part, as follows, to wit: Whereas a deed or instrument in writing, made and entered into, by and between the same parties to this agreement, the said parties of the second part (herein and hereto, have covenanted and agreed, to build and construct a certain mill-race or waste-weir across the lands of the said Lyman A., lying on the side of the ravine or basin in Lockport, and to continue the same on to the lands of the said John Gooding, situate near the end or foot of the grand ravine or basin; and by which said deed or instrument in writing, the said Lyman A. among other things, granted, aliened and conveyed, to the said parties of the second part, their heirs and assigns for ever, the land upon which the said mill-race or waste-weir is to be made and constructed, for the uses and purposes only of making such race or waste-weir, and for keeping the same in repair, reference being herein had to said deed or instrument in writing, for the better and more perfect understanding of this agreement. Now, in consideration of the premises and making of such mill-race or waste-weir, it is hereby covenanted and agreed by and between the said parties of the first part and second part hereto, as follows: That the said party of the first part, his heirs and assigns, shall and will, by proper and reasonable, good and sufficient acts and deeds, conveyances and assurances by the said party of the first part, his heirs and assigns, to be done, made and executed, secure to the said parties of the second part, and to their heirs and assigns for ever, so much of the surplus waters of the Erie canal as shall be sufficient to drive or propel four runs of mill stone of four and a half feet diameter, by the use of a twenty-four foot wheel, said water to be taken directly from said mill-race on the wheel, and to be used afterwards at pleasure of the said parties of the second part, their heirs and assigns: Provided always, there shall be a sufficient quantity of water permitted (by the state or its agents,) to pass in said waste-weir or mill-race, for the purpose aforesaid, over and above what shall be necessary and required by the said Lyman A. or his heirs or assigns, to propel eight run of

mill-stone in the building now by him owned and occupied as a mill; it being understood that said Lyman A. and his heirs and assigns, are at all times to be at liberty to use water sufficient for the said eight runs of stone in his mill, or to use the same quantity of water for any other purpose ; and it is assured the above mentioned quantity to the said party of the second part, only in case there should be an overplus sufficient for that purpose. Provided always, and the above agreement on the part of the said party of the first part, is made upon the express condition, that the said parties of the second part, their heirs and assigns, shall and do, within two years from this date, so elect, and shall and do pay, and secure to be paid, unto the said party of the first part, his heir, executors, administrators or assigns, the sum of \$4,000, with interest thereon, from the 12th day of January next, as follows, to wit : one thousand dollars, and the interest thereon from the said 12th day of January next, to be paid at such time as the said parties of the second part shall so elect as above mentioned, and the remaining sum of three thousand dollars, with interest thereon from the said twelfth day of January next, to be paid in three equal annual payments hereafter, the first of which three equal annual instalments, and interest thereon, to be paid in one year, after the time above mentioned for the payment of the said sum of one thousand dollars first above mentioned, to wit, from the time of making such election."

It is true, as stated in the memorial, that Charles E. Dudley, Benjamin Knower, and others, were interested in a tract of wild land, in the counties of Erie, Niagara, Genesee and Orleans, of which Lockport is near the central point, and that the undersigned has also an interest in the same ; but the memorialist is mistaken in supposing Henry Seymour and Thomas W. Olcott interested in that tract. In the month of October, 1828, the undersigned went to the western country, to examine the tract mentioned, and determine whether he would remove there, and take charge of it ; and while at Lockport, opened a negotiation with some gentlemen, who had some time before "announced the design of founding a village below the locks, and taken measures for the purpose." The whole had, the season previous, been laid out into village lots ; improvements were commenced and rapidly progressing. The negotiation was for six undivided tenths of about three hundred acres, which included about one half of what is called the Lower Town. The whole negotiation was carried on by the undersigned, and he induced such gentlemen of capital as he could obtain, to become connected with

him; and it eventuated in a purchase of an undivided interest of six tenth parts of the tract last mentioned, for about 2,000 each.

The purchasers were Charles E. Dudley, Thomas W. Olcott, Benjamin Knowler, George Field, Henry Seymour, and the undersigned. Although the undersigned is not disposed to interfere with the operations of the memorialist, or his coadjutor, against the Canal Commissioners, it may be proper to state, that Messrs. Dudley, Olcott, and Knowler, could not have known when they agreed to take interest in this purchase, that Mr. Seymour would take one of the shares, for he had not then agreed to become a purchaser; and the undersigned never heard, pending the negotiation, nor afterwards, that the agreement of any one of the partners was put upon any such ground. And it was not until after the undersigned had agreed to make the purchase, that he saw Mr. Seymour on the subject. He then called on him at Utica, and persuaded him to become a proprietor.

The value of the land so purchased, is undoubtedly enhanced, in consequence of its proximity to the place where the water power is and will be used; but the question, who shall have the profits of the water, must be totally immaterial to all who do not claim an interest in the same.

About the 16th of May following, after the undersigned had removed to Lockport, he purchased Scovill's interest in the lease, at fifteen hundred dollars, in behalf of himself, Charles E. Dudley, Benjamin Knowler, and Thomas W. Olcott; and in June following, they acquired the interest of Hatch.

None of the Canal Commissioners have either directly or indirectly any interest in this lease.

After the undersigned and his associates had thus possessed themselves of the lease, he went to the memorialist with a determination to make a compromise at almost any sacrifice, and in the full spirit of conciliation, opened a negotiation; but soon found that the extravagant concessions he offered were not met by a corresponding spirit; they were taken as evidence of timidity on the part of the undersigned, and he discovered that nothing short of a total surrender would satisfy the memorialist. He then wrote him the following letter.

Lockport, 19th August, 1829.

Sir—After my purchase at Lockport, I ascertained that a lease of one-half the surplus waters of the state, at Lockport, had been made to Junius H. Hatch, Esq. of New-York, and the other half to one Kennedy, whose interest in the lease had been assigned to Doctor Scovill; that you owned the land over which the water must be brought, before it could be used by any body, and that there was no agreement between you and them. In this situation of things, I saw that there would be no safety in erecting hydraulic works until the water rights could be in some way settled, so as to give safe titles. I waited several months, and in the mean time urged Doctor Scovill and Mr. Hatch to make such arrangement that this privilege, so highly useful in this county, could be placed in a situation to be rendered valuable to the village.

Finding no prospect of the matter being adjusted, at great expense, (in company with Charles E. Dudley, Benjamin Knower, and Thomas W. Olcott,) I purchased in the rights to the surplus water, not doubting, that, as it was so obviously for the interest of all concerned, and the village generally, some equitable arrangement might be made, which would furnish you with as much as you needed to carry all your machinery, and at the same time give us the right to carry the residue across your land for the benefit of the whole village. I very much regret that we have hitherto been unable to make any arrangement on the subject, or even to arrive at a prospect of one.

I feel willing to let you have much more of the water than I think in fair equitable dealing I ought to do, to avoid the disagreeable collisions which must follow its remaining in an unsettled state. I therefore propose to you distinctly, that if you will guarantee and secure to us the privilege of making and maintaining a ditch, and keeping it in repair through your lands along the ravine, (where the land is good for nothing else,) we will give you five thousand dollars; or else enough of the water from the upper ditch, when so much is obtained, to carry four run of stones, the present size used in your mill, which you can use three times on twenty and sixteen foot wheels, and which will be sufficient to turn all your machinery.

This water shall be carried directly to your mill, at our expense. It must be understood, however, that we have the right to erect a waste gate below your machinery if we choose. Should this pro-

position be unsatisfactory, I will agree on behalf of myself and associates, to allow you from the upper ditch enough to carry four run of stones; and then, after we have carried by enough for four, you take enough for four more, (if so much should run,) you securing us to keep up a ditch across your land, and the right to carry the residue of the water, (if any,) in it, and of erecting a waste-weir or gate. Should this be unsatisfactory, we will give to you, and the other owners of land, one half of all the water aforesaid, and pay the rent ourselves, if you will maintain a ditch which will bring the other half on to our lands below, and secure its continuance. Should neither of these propositions meet your views, I shall despair of making any arrangement with you, and shall be reduced to the necessity of either suffering you to continue the exercise and enjoyment of all the water for which we are paying rent to the state, and for which we have paid heavy sums to lessees, or of applying to the Canal Commissioners to turn the water the other way, and leave your mill dry, and your land useless for any and every purpose. I have offered you much more liberal terms, than in my opinion justice would require. It is done to avoid the disagreeable necessity of other expedients; but should you refuse, we shall afterwards feel under no obligations to repeat them, or offer any thing more than a fair equivalent for the use of the land for a ditch.

In our opinion, the offer we make you is much more than a fair equivalent for what we ask in return. But we are induced to offer it at this time, because a settlement of the titles to water privileges is so immensely important to the growth of the village, and consequent settlement of the country around.

And we feel a great anxiety, (much as we believe we are sacrificing,) that you should accede to some one of our propositions. If, however, they are agreed to, we expect it will be done immediately; for it is much against our interest in the property below, and of the whole village, that things should be longer in suspense.

I am, sir, very respectfully,

Your obedient servant,

LOT CLARK.

MR. LYMAN A. SPALDING.

To this communication the undersigned received the following answer:

Lockport, 8th Month, 19th, 1828.

Respected Friends,—

I have received your favor relative to the lease you bought of Hatch & Scovill. I regret that you should have paid "heavy sums" of money for an article which I consider to you valueless.

You are aware of the situation of my lands around the locks, which originally cost me about \$9,000; and you can imagine the *insignificance* with which one would of necessity view the proposed "*offer*."

For the money you have paid the state, you have your remedy by applying to the Comptroller, and citing him to an act passed April, 1828, touching the surplus water of the canal.

The money you may have paid speculators for——, you of course can look up where you lost it.

I am ready to pay the state of New-York, whenever an opportunity presents, for any benefit they confer upon me. But at present I am not willing to aid in making up the wild speculations of any company, how much soever I may respect them.

Your threats I heed not. You have a right to *talk*; and of course when no water runs on *my land*, my mill will stand still until I can procure a steam engine.

I shall not be ready to receive *any further propositions* from you touching the water, until I shall have made such arrangements with the state as will enable me to give "*good titles*" to any one wishing to purchase. And you appear to be aware of the impropriety of doing any thing in this way until the water question is settled. To settle this, I have ever been ready to meet the Canal Commissioners, and I wish you to understand "*DISTINCTLY*," that *I shall not treat with any other persons under any circumstances*.

Respectfully,

L. A. SPALDING.

To LOT CLARK, and his Associates.

On the 7th day of October following, the undersigned caused to be served on Spalding a notice, that he should apply to the board of Canal Commissioners, at their next meeting at Utica, for an order to turn the water from his mill, either by passing it through the locks, or by carrying it around in a culvert into the basin below.

[A. No. 91.]

A duplicate of this notice he also mailed to John C. Spencer, Esq. of the village of Canandaigua in the county of Ontario, who, as he had been informed, was the *attorney* of the memorialist, from the time he first commenced his depredations upon this property, up to that period. On the 14th day of October, the undersigned appeared before the board of Canal Commissioners, consisting of Stephen Van Rensselaer, William C. Bouck, Samuel Young and Henry Seymour, and obtained the following order :

"Resolved, That the lessees of the surplus waters at Lockport be permitted to take the same, in close, safe conduits, from the head of the locks, under and along the embankments and towing paths, to such place as they shall choose to apply it in propelling machinery : *Provided*, that the work is done at the expense of the said lessees, and in such manner as will not, in the opinion of the Canal Commissioners, incommode the navigation of the canal, or the convenient use of the towing path : and that, in the mean time, the said surplus water *shall not be drawn*, to the use of any mill or mills, without the consent of the purchasers of said water : and that for the purpose of carrying this resolution into *full effect* the superintendent and the lock-tenders at Lockport, are hereby enjoined and required to discharge the waters *through the locks at all times* when practicable.

Resolved, That a copy of the preceeding resolution be furnished to Walter Osborn, superintendent, and to the lock-keepers at Lockport.

I certify that the foregoing is a correct transcript from the original.

WM. C. BOUCK, *Secretary.*"

October 25, 1829.

As the memorialist had derided the idea of obtaining such order, and appeared to act under the impression, in all the steps he had taken, that as the interest in the water had passed out of the state, they would not interfere to protect the rights of lessees, the operation of the order was suspended until the fifteenth of December following, in hopes that he would yet see the necessity of anticipating the event, by an honorable settlement ; but in this, as in all other expectations founded on a belief of his returning sanity on this subject, the undersigned was disappointed. The suspension was again misunderstood, and taken as an evidence of fear and ap-

prehension, lest the act should create a popular excitement, as he had confidently predicted.

The water was then turned from the race, by closing the paddle-gates; but the elements moved on as usual, according to the laws of nature. The public seemed quiet and unconcerned, and his threatened insurrection, which was to shake the mountain-ridge to its base, dwindled down into a brawl of the memorialist, and half a dozen dependants around him.

The undersigned, still feeling anxious to give repose to the difficulties, then addressed a letter to the memorialist, and Hathaway, Gooding and Bissell, who were the other proprietors of machinery propelled by the surplus water, a copy of which follows:

Lockport, Dec. 16, 1829.

*To Messrs. Lyman A. Spalding, John Gooding, Edward Bissell,
and Sylvester R. Hathaway.*

GENTLEMEN—

Understanding that you claim to have a connected interest in the race or waste-weir through which the surplus waters at Lockport are carried from the head of the locks to two flouring-mills and two saw mills, and various other machinery, and the water having been shut out of the race with a view to use it in a different direction, for the purpose of availing ourselves of our interest in the water as assignees of the lease, and to bring a part of them onto lands below to propel machinery, we now propose to you to lease for the term of one year, sufficient to turn all the machinery hitherto propelled by the said surplus water, at and after the rate of fifty dollars annual rent, for enough to propel a run of stones of the size now used in your mills on 24 feet wheels; we are ready to contract with you for any quantity you shall choose, at the above annual rent, to be turned from the paddle gates into the race at the usual place above the locks; and you can then make such arrangements between yourselves as to their disposition, as you choose. If a part of you should refuse this proposition, and the others be disposed to accede to it, we will then lease to those who so accede, at and after the same rate.

We did not request the Canal Commissioners to turn those waters from the race, until all attempts to make an arrangement with Mr. Spalding had failed. Having purchased and paid for the lease,

we have no objects in view but to make it available, and have the water used in the manner most beneficial to the public.

We regret, as much as any of you can, to have such valuable machinery stand still, and are therefore induced to make this offer.

We trust you will, on a fair view of the case, deem it reasonable. If, however, you do not, and insist that you will either have your machinery stand still, or take from us this water for which we have paid a large amount of money, without any allowance, we shall still continue to ask the State to let it run where it now does, until we can prepare aqueducts to throw it on to machinery below your works. It is expected if these propositions are acceded to it will be done without delay.

Yours very cordially,

LOT CLARK,

For himself, and as attorney for
CHARLES E. DUDLEY,
BENJAMIN KNOWER, and
THOMAS W. OLCOTT.

To this letter the memorialist gave no reply ; but from the others the undersigned received the following answer :

Lockport, Dec. 17, 1829.

SIR—We have examined your proposal in reference to the surplus waters of the Erie canal, and consider it fair and reasonable.

We will see Mr. Spalding immediately, and request him to join us in the lease you propose. We would much prefer having him join us ; but should he refuse, we will then meet you and enter into a lease separately, for enough for four run of stones. We have always been willing the lessees of the State should have the benefit of their lease, and we are entirely ready to contract with you.

Yours respectfully,

EDWARD BISSELL & CO.
S. R. HATHAWAY.

The memorialist declined the proposition, and a lease was executed to the other proprietors, of sufficient water to propel their machinery. The water was turned into the race for that purpose, and

the memorialist drew it to his mill. An injunction was obtained from the court of chancery, to restrain him, which injunction still remains. His mill has ever since remained idle, except when he has drawn the water in contempt of the injunction; and for this he has been brought before the vice-chancellor, on attachment, and fined, and another application remains before him, undecided, for a subsequent violation.

The foregoing are the facts in the case, and present a fair view of the suffering under which the memorialist "is so much oppressed;" suffering that springs from disappointed cupidity and the frustration of schemes formed to trample on others' rights. If ruin is before him, it is the ruin of an unholy project. While the State held this water power, he made no effort to obtain it; but when the right had passed out of the State, and it was vested in others, then a pretence is set up that he is willing to pay the State. Kennedy & Hatch owned no land in Niagara, and he would not treat with them; the present owners of the lease hold too much land, and therefore no settlement can be made. Still bent on his mad and distracted schemes of aggrandizement, unwilling to avow his real object, which is to usurp the whole without an equivalent—the most frivolous and contradictory pretences are set up;—the sure indications of a bad cause.

Now he is willing to pay the State, if they will form a tribunal to decide between him and them, according to his own selfish notions of right and wrong—now the State or an individual can have no more interest in the water than to the air over his head. In one particular, he has been uniform. In all his communications to the lessees, he has denied their right, and refused to compromise on any terms, or to listen to any proposals: but in his letter to the comptroller and in his memorial, he has set up complaints of extortion against the lessees, and treats the subject as if they had attempted to speculate upon his necessities.

The complaint of the memorialist, that he erected his mill under the eye of the acting Commissioner, and received no intimation that he would be disturbed, though, as the undersigned has been informed and believes, without foundation in truth, would not, if true, give the least color of right, or form the slightest foundation of complaint.

The Canal Commissioners could not, even by an express agreement, divest the State of its right in the first instance, except in the manner provided by law. They were the State agents; their instructions were written in the statute book, of which the public were bound to take notice: much less could the silence of an individual Commissioner confer a right, after the State had parted with its interest, and that interest had been vested in others. And when it is understood that he met with opposition from the owner from the first commencement of his encroachments, it is not easy to see how such a circumstance could even be set up as a pretence for complaint. In his letter to the Comptroller, which is appended to this remonstrance, and which was written before any of the present owners had any interest in the same, he says: "The course that Commissioner William C. Bouck suggested as the one that might be taken by the board, viz. to pass the water through the locks, I cannot for a moment think they will take." How vain, then, to pretend that "a new system of legislation was attempted, after the present owners came into possession." To Hatch was given just such an order as he desired of the board—an order to turn from the race his half of the water: Scovill, the other owner, at that time made no application.

The undersigned deems it unnecessary to enter into an argument to show that the act of 1828, referred to by the memorialist, was intended for the *benefit* of lessees, and not to enable others to take away their rights and deprive the State of the revenue. The lessees in this case call for no such relief; no exigency exists to bring them within the act. They are receiving rent for water at this time, and they could not themselves allege a total failure of title.

The undersigned has carefully examined that part of the memorial which relates to the injury of the locks and the detention of boats, and is only astonished that any man acquainted with the facts could be found to make such assertion. That some repairs to the locks may have been found necessary, the undersigned is prepared to believe; and that boats, from various reasons, may have been detained at particular times, may be equally probable; but that either of these effects has been produced by the passing water through the locks to feed the level below, is denied. A slight attention to the situation of the locks, and the manner in which water has always been passed and boats let through, will put these strange allegations at rest. These locks are built on a foundation of stone,

from twenty-five to thirty feet deep, laid and cemented in water-lime, and fastened with iron bolts and bars ; and the bottom is then planked over, and the plank also bolted down. The sides are laid up of hewn stone, from eighteen to thirty inches thick, weighing from one thousand pounds to a ton each, and fastened together in the strongest manner, with iron fastenings ; and the whole together forms perhaps the strongest work in America.

The locks are about 14 feet wide, 100 feet long, and 12 deep, and are filled ordinarily in three minutes, being about 6,000 cubic feet a minute. The greatest quantity required to feed the level below, is 2,500 cubic feet a minute. These locks are emptied and filled in this manner, every boat that passes. After the close of navigation in the fall, the quantity of water is always increased, for the purpose of supplying the hydraulic machinery that is placed at the waste-weirs along the whole level below, and for keeping the canal to the winter level ; so that the quantity of water which has been heretofore passing through the locks, through the winter season, when the race around the locks was full, was much greater than is ordinarily required to feed the Genesee level of the canal. Frequently, in floods, it is the policy of the superintendent to draw down through the mountain ridge a great portion of the high water of the Tonawanda, to save the dam and towing path below ; and in such cases, ten times the ordinary quantity is passed through the locks. The undersigned has often seen a heavy quantity of water running over the top of the gates, and pouring into the bottom of the locks, while the race around the locks was full ; and yet no complaint was heard, or suspicion excited, of injury to the works. Can it then be supposed for a moment, that works which endure all these shocks, would be injured and ruined by keeping open one of the three gates to each lock, and suffering a moderate quantity of water to pass steadily through ?

The examination of the superintendent's accounts will shew, that for the year past, the expense of repairing the locks has been less than an average of the previous years, since the completion of the canal.

Equally idle is the statement that the boats are hindered in their passage, in consequence of this measure. The locks are generally kept about half full when the water is passing ; and there being a double set of locks, the water is only passed through one set at a time,

the others, except the lower lock, being always filled for ascending boats. It is a practice when boats come within fifty rods of the locks, to sound a horn. This gives the tenders time to fill the upper lock, when a descending boat is coming, before it arrives. It is let down, and the same process fills the second lock, and so on in succession, until it passes through. There is but one lock-tender employed by the government at this place. The others are hands employed and dismissed by him at pleasure.

The undersigned, before leaving Lockport, having seen the document purporting to contain the proceedings of a grand jury, and supposing it would be used at the capitol, procured the affidavits given below, from the government lock-tender, and the collector and deputy at the head of the locks. Had he believed that any body could be found hardy enough to depose that the locks were injured by passing water through them in this manner, or that boats could be hindered without the fault of lock-tenders, he might have procured a larger number from the most respectable inhabitants. Abstract opinions, however, can weigh but little against demonstration. *This extraordinary paper of the grand jury, can receive but one sentence in public estimation. On its face, the feeling in which it was conceived, is marked in legible characters; and in every part it bears the plain impress of the mischievous spirit that produced it. "They are aware that no legal remedy can be applied to correct evils of this character; yet it is no less their duty to present this evil than those of a strictly legal character."* That is, they are aware that the laws of the country are not violated, that they cannot interfere in their legal capacity, but in the true spirit of officious intermeddling, it has somehow or other become their duty, while in secret conclave, when the public had a fair right to suppose they were fulfilling the legitimate duties of their station, to enter into a private litigation, pending before the judicial tribunals of the country, and publish a document prepared by one of the parties to the controversy, without the knowledge of the other, and done most obviously to affect the decision of the question then pending.

How much truth there is in their statement, "that persons are obliged to go 30 or 40 miles to mill, instead of 10 or 20," in consequence of this measure, may be seen from the statement of the Canal Commissioner, the letter of Mr. Bissell, given below, and even from the memorial itself. There is now in full operation, at Lockport village, eight run of stones; another mill of four run, will be in ope-

ration the ensuing season. There are carding machines, cloth dressing establishments, and various kinds of machinery fit for the accommodation of the public, all of which must have been well known to the grand jury at the time they produced this document. The following is a copy of a letter from Mr. Edward Bissell, the owner of a flouring mill kept in operation by the surplus water.

Lockport, Dec. 31, 1830.

LOT CLARK, Esq.

SIR—Your letter of the 30th inst is received and I very cheerfully hasten a reply. In answer to your questions, I have to state, that I have a flouring mill situated on the canal at Lockport, about one hundred rods below the mill of Lyman A. Spalding; that it contains six runs or sets of stones, and is capable of grinding 1,200 bushels of grain a day; that I have done all the customers work that has been brought to my mill during the year past, generally within a few hours of its delivery, and always within twenty-four hours, (unless in a few instances, where a quantity has been brought and not wanted immediately) with the exception of one or two short periods when my mill was undergoing repairs. I know of no place where custom work of the kind has been done more promptly for the year past, than in Lockport, nor do I believe there is any in the state.

Yours, very respectfully,

EDWARD BISSELL.

The statement of the memorialist, that in the opinion of some of the oldest inhabitants, there was a water power at this place before the construction of the canal, must be known to many of the members of the legislature to be an entire mistake, and is without any just foundation. All the stream that run from the brow of the ridge into the ravine, was cut off by the canal, and is still plain to be seen dropping from the banks into the deep cut; and for more than seven months in the year, might be passed through an inch pipe. In a sudden flood, there is a quantity that may possibly be sufficient to propel two run of stones; but as soon as the flood subsides, it sinks back into a small rivulet, insufficient for any machinery. But of the deprivation of this water, whatever it may be, the memorialist has no right to complain; he was never the owner of any land on which it run. It was taken into the main canal before Comstock sold, without complaint on his part, and without suspicion that he had been deprived of a valuable water power. It would indeed ill be-

[A. No. 19.]

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come any of the land owners of Lockport, to complain of the consequences resulting from the construction of the Erie canal. Before it was commenced, nearly the whole of the corporation was a barren waste ; on its completion, one of the most prosperous villages in the state sprung up, and a territory, which before was worth less than 500 dollars, could not have been purchased for half a million.

Finally, the undersigned remonstrates against that part of the prayer of the memorialist which seeks the cancellation of the lease, because it strikes at a vested right, and would establish a precedent subversive of public faith. Because it asks for a palpable violation of the constitution of the state, and would be opposed to every rule of morality hitherto held sacred by this government. He remonstrates against that part of the prayer which seeks to counteract the Canal Commissioners in the details of their duty, and which requires their support to measures defrauding their own lessees, who have relied on their protection.

But he submits the case to the legislature, confidently expecting that while they permit the memorialist "to enjoy his own in peace and security," they will lend him no aid in possessing himself of the property of others.

LOT CLARK.

DOCUMENTS.

Niagara County, ss.—Asa W. Douglas, being duly sworn, deposeth and saith, that he has been a number of years past a collector on the canal at Lockport, and kept his office at the head of the locks. That during the past year the locks have not been more out of repair than usual : And that he is fully of opinion that the diminution of the quantity of water in the race, and the increase of the quantity passed through the locks, has not, nor could have a tendency to injure the locks.

And this deponent further says, that the increase of the quantity of water passed through the locks, is no detriment to boats passing, and would not delay them, unless through the negligence of the lock-tenders ; and further saith, that it has not so delayed them during the season past to his knowledge or belief. And further saith not.

ASA W. DOUGLAS.

Sworn before me, this 29th }
day of December, 1830. }

H. GARDNER, *Supreme Court Com'r.*

Niagara County, ss.—William Landon, junior, being duly sworn, deposeth and saith, that he has for three years past been a deputy collector in the office of the above deponent, and that he knows the matters of fact above stated to be true, and fully concurs with the said deponent in the opinions above expressed, and further saith not.

WILLIAM LANDON, Jr.

Sworn and subscribed before }
me, December 29th, 1830, }

H. GARDNER, *Supreme Court Com'r.*

Niagara County, ss.—John Ladd, being duly sworn, maketh oath and saith, that he, this deponent, has been principal lock-tender at the locks in Lockport, on the Erie canal during the two past seasons, and before that time was assistant lock-tender from the time the canal was completed.

That since he was first appointed principal lock-tender, his wages have not been at any time increased.

That the locks during the season past have not been injured more by the waters passing through them, than usual, or than the average of the seasons heretofore. And this deponent says that the quantity of water which has been turned from the waste-weir round the locks and passed through the same, could not have a tendency to delay boats in passing the locks, and that no boat has, to this deponents

recollection, been delayed in consequence thereof, during the past season, except in one instance, when in consequence of his being engaged in getting some horses out of the canal, the packet was delayed about five minutes to enable him to fill the upper lock. And this deponent further says, that the waste-weir, has never been of sufficient capacity to conduct enough water around to supply the level below without conducting a part of it through the locks. And that when there has been sufficient quantity passing to supply said level, it was always necessary to keep a part of it passing through the locks, and generally through the floods of the fall and winter and spring months, there has been a larger quantity passing through the locks than during the average of the boating season the past summer—and further saith not.

JOHN LADD.

Sworn before me, the 1st }
day of January, 1831. }

H. GARDNER, *Supreme Court Com'r.*

Lockport, 7th Month 17th, 1827.

RESPECTED FRIEND,

At the suggestion of W. C. Bouck and J. C. Spencer, Esqrs. I think it not improper to address thee on the subject of the surplus water at this place. I felt disappointed in not seeing thee when at this place last month, but, was then on my way to New-York: on my return through Albany, thou had not returned.

At the time I purchased the land around the basin and locks in this village, the surplus water referred to had been offered for sale, and stipulations received by the Commissioners; but a public decision was not made on those stipulations until about three months after my purchase. Darius Comstock, of whom I purchased, had stipulated to pay for the water \$50 per annum; and it was understood between us, that should the water be given to him agreeably to his offer, and I had no reason to think it would not be, I was to assume the payment. Previous to the decision of the Commissioners, and immediately after my purchase, I commenced the erection of this flouring mill, which is now in part operation, and sold and leased privileges for other small establishments for various purposes, which are now in operation. Subsequently, and to my surprise, the water was declared to be the property of Messrs. Kennedy and Hatch. The latter, I understand, has petitioned the Canal Board for protection of their purchase and of their rights. It is not necessary to go into an argument to show that they have no right *at this time, that can be protected*; inasmuch as they cannot in any wise use this water, not owning nor likely to own a foot of land on which it can be used. Before purchasing water, they should have secured the land on which that water run; as in the sale of the water, nothing was said about guaranteeing land or sites whereon to use it; and I believe they have no right to expect that I will furnish land on which to build machinery, without being paid for it.

The purposes and intentions for which this waste-weir was constructed, are assumed when the water is passed into the basin below; and it matters not whether this water runs over the rocks or over a water-wheel, provided its passage is not obstructed. Would these men ask for protection if the water now run over the rocks? Could they, or any one else, occupy it without my consent? Had they land on which to pass this water, the subject would appear in a very different light; but as it is, it is a most singular request to ask for protection. I know of no way that they can be benefitted by this water without coming forward and purchasing the land, which they shall have at a fair price, with all its appendages. I have expended nearly \$20,000, and others nearly as much, on the premises; and can these gentlemen expect this property without paying for it?

The course that Commissioner W. C. Bouck suggested as the one that might be taken by the Board, viz. to pass the water through the

locks, I cannot for a moment think they will take ; as it could in no wise enrich the purchasers of the water to do so, and would be attended with various difficulties, which I will briefly enumerate.

In passing this water through the locks, they of course could not be used while the water was passing ; and as boats are almost hourly passing, this course would not be decisive. Supposing all the water was at once shut off, (and one half of it cannot be in the spring and fall months,) the effect would be to throw 50 or 60 persons out of employment ; to make inactive considerable capital ; to injure the growth of the village and this section of the county, by showing the people that this water was in a quarrel, and while so, no one could be benefitted by it ; to oblige the inhabitants at and near this place to go to Niagara falls, a distance of twenty-three miles, to mill, and for other purposes ; and above all, deprive the canal of the benefit of receiving the toll, say of from 2 to 3,000 barrels flour, at 480 dollars per thousand, which would be manufactured here by us if this course were pursued. It would deprive us of paying more for wheat than those persons on the lake shore of Ontario are paying, for the Canada market ; for the last season we here purchased a large quantity, a part of which would undoubtedly went to Montreal, had it not been for this mill.

I have been told by Commissioner Bouck, and I have no reason to doubt it, that the water sold must be taken by the purchasers *where* it run ; that the Commissioners did not feel themselves obligated by the terms of sale to change the course of the water, or to enter into any controversy that might ensue between the owners of the land and buyers of the water. This I considered perfectly impartial, and the proper course ; one which neither of the parties could find fault with.

It may be said that I can and ought to compromise with the purchasers of the water. I believe we are both too avaricious to think of this, as they set a higher value upon this purchase than I do, as I understand from others ; never having had any proposition from them relative to a compromise. I suppose they wish to ascertain the extent that I can be coerced, before they pay the State any thing on their lease, or make me a proposition. In short, there is no hopes of a compromise with them on any terms ; and in preference to quietly yielding the premises, which, with the original cost of the land and improvements, have cost between 20 and 30,000 dollars, I shall suffer the consequences, be they what they may. I am determined to have nothing to do with these men, as every movement of theirs has shown nothing but a disposition to get an advantage without paying for it—to force me to *fill their pockets*. For this land in question, I have paid and secured to be paid \$8,500 ; for their claim I understand they have paid nothing as yet to the State.

Should the Board think I ought to pay for the use of this water, I am willing to enter into a stipulation on fair terms. The supply is not regular ; some days sufficient for 40 run of stone, and again not enough to drive 4 run ; and if this cannot be remedied, I think I have paid nearly enough for the property already. But I believe a constant and regular supply can be given from the canal. In that case,

when water is passed with a view to accommodate machinery, an equivalent should be given, and I would be perfectly willing to pay it. At present the water that is passed is merely in such quantities as the canal below requires, and not with any view to accommodate machinery.

I hope this letter will not be burthensome, and that such parts of it as may be deemed proper, will be considered and mentioned to the Board.

With much respect,
Thy friend,

LYMAN A. SPALDING.

WILLIAM L. MARCY, Esq.

IN ASSEMBLY,

January 25, 1831.

COMMUNICATION

From the Secretary of State, accompanying the Annual Report of the Directors of the N. Y. Institution for the Instruction of the Deaf and Dumb.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany, Jan. 24, 1831.

The Secretary of State, in presenting to the Legislature the annual report of the New-York institution for the instruction of the deaf and dumb, (which has been transmitted to him for that purpose,) begs leave respectfully to say, that the directors have, since the last annual report, made the most satisfactory arrangements in regard to the instruction of the pupils, and the management of the institution. A teacher of approved talents and acquirements has been procured from the Royal Institution of Paris; and Mr. Peet, so well known as a qualified instructor for several years past in the American Asylum at Hartford, has also been employed to reside with his family at the Asylum, and to have the general superintendence of the government of the establishment.

These arrangements for teachers, which the increase of the school rendered indispensable, added to the services of Mr. Loofborow, to whom great credit is due for his zeal and perseverance amidst many embarrassments, will place the New-York school for the teaching of mutes, upon a footing not inferior to that of any institution in the United States.

The Secretary of State visited the New-York school during the past season, but did not go through with an examination of the scholars. The highly interesting and satisfactory report of the di-

rectors, seems to render an annual report from the Superintendent at this time, under all the circumstances of the case, unnecessary.

Appended to the report of the directors is an interesting statement from the Rev. Dr. Milnor, the president of the institution, giving an account of his visits to several deaf and dumb schools in Europe, and of the arrangements made by him for the employment of a teacher from the Royal Institution at Paris.

The attention of the Legislature is respectfully invited to the considerations presented in the last annual report of the Superintendent, (Doc. 235,) in favor of building up one good school for the instruction of mutes, instead of dividing the patronage of the state and keeping alive two of an indifferent character. The American Asylum at Hartford is found sufficient to instruct all the deaf and dumb of the six New-England states; this state has a population about equal to theirs; and if it is good economy for six independent states to patronize one school, surely this state would find it useful to pursue the same course.

A. C. FLAGG.

TWELFTH ANNUAL REPORT

Of the Directors of the New-York Institution for the Instruction of the Deaf and Dumb, to the Legislature of the State of New-York, for the year 1830,

The directors of this institution most respectfully submit the following annual report for 1830, as required by the laws of this state, and rejoice that they are enabled to perform this duty under a grateful sense of the favor of Divine Providence towards the interests of the institution, and the objects of its charge during the past year.

Treasurer's Account.

An abstract of the treasurer's account current for the year 1830, is hereunto annexed, showing the receipt of 16,038 $\frac{22}{100}$ dollars, which, together with 651 $\frac{1}{100}$ dollars, the balance on hand 8th January, 1830, and 233 $\frac{7}{100}$ dollars, the balance of the Asylum fund, paid over to the treasurer, makes an aggregate amount of 16,923 $\frac{29}{100}$ dollars. Of this amount 13,251 $\frac{22}{100}$ dollars have been expended for the ordinary and some extraordinary concerns of the institution; 3,000 dollars in reducing the debt, and 671 $\frac{51}{100}$ dollars remain in the hands of the treasurer, as by the certificate of the finance committee appended to the treasurer's account. (Document No. 1.)

Asylum Fund.

A statement of the Asylum fund, accompanied by the vouchers for the expenditure of the money constituting that fund, was deposited in the Comptroller's office, at Albany, in the month of February, 1830, in compliance with "An act to provide for the building an Asylum for the deaf and dumb in the city of New-York," passed 23d March, 1827. A copy of the statement which is annexed, (as Document No. 2,) will give a comprehensive as well as a detailed view of the disposition of that fund. The vouchers however, referred to in margin, are in possession of the Comptroller of the state.

On the 3d March, 1830, some time after the foregoing statement was deposited, the Honorable the Secretary of State, made a report as Superintendent of Common Schools, "*in relation to the Central Asylum at Canajoharie, and the New-York institution for the instruction of the deaf and dumb.*" Had the Honorable Secretary known that such a statement was deposited in the Comptroller's

office, in conformity to law, some of his observations in relation to this institution would in all probability have been omitted. But as he was not aware of the fact until his report was made, and as the secretary of this institution was at Albany at the time it was presented, he obtained leave, and did on the 15th March, 1830, present to the Honorable the Senate of the State, the explanations called for by the Superintendent of Common Schools. As these explanations were presented and referred to a committee, the directors are not aware of their having been printed, they annex them, (as Document No. 3,) and beg that they may be received as part of this report.

Pupils Received and Dismissed.

At the commencement of the year there were 68 pupils as stated in the last annual report. During the year, 37 others have been received, and 20 dismissed, and 85 remain, as exhibited by the annexed list of their names, (Document No. 4.) This increased number is principally owing to the liberal patronage of the state legislature, and the provisions of an act, passed 15th April, 1830, by which the state provides for 56 indigent mutes. There has been a greater number of applicants for the vacancies produced by this act than could be received. Desirous, however, of extending the usefulness of the institution, the directors have felt warranted in retaining some of these applicants on the free list.

If the whole expenditure of the year is divided by the number of pupils, it will give 155 dollars as the average annual expense for each, but if the extra expenses, amounting to 1,700 or more dollars are deducted, the average will be reduced to about 135 dollars, which is less than the average for several preceding years.

Moral and Intellectual Improvement.

That instruction improves the moral sense and exalts the intellect of mutes, there can be no doubt. Frequent and gratifying instances occur, but constant vigilance is necessary, and sometimes also judiciously applied correction, to arrest the evil propensities of human nature, which in the uninstructed mute, are not under the guidance of reason or revelation. Hence they often exhibit bad tempers, habits and dispositions, which require patience and perseverance, to counteract and meliorate. Employment in some useful occupation, is also necessary, to improve the moral faculties, and prevent the evil consequences of idleness in such a community.

This has not been neglected, but it has not yet been carried to the extent required and intended.

Rewards and Punishments.

The necessity of rewards and punishments, as incentives to good behavior, has frequently shown itself, and is a subject in relation to which difficulty has occurred as to the most salutary course. In the second circular of the Royal Institution in Paris, inquiries are made and communications solicited on the subject. At our Asylum some neat and useful article of clothing has been given, by way of reward, and punishments for misbehavior have been of a nature both reformatory and mild, as incentives to diligence and good conduct. The directors have concluded to have a handsomely ornamented certificate prepared, to be given to the pupils on leaving the school, if their improvement and behavior should warrant such a distinction.

Teachers.

It is with great satisfaction that the Board proceed to state the very advantageous arrangements which they have been enabled to make during the past year, in the departments of discipline and instruction.

The president, being about to visit Europe, in the early part of last spring, undertook, at the request of the board, and without charge upon its funds, to obtain, if practicable, a competent teacher from one of the most respectable foreign institutions, for the instruction of the deaf and dumb. His endeavors were not successful in Great Britain, but the Board have the pleasure of adding that the Royal Institute at Paris, kindly surrendered to them, Mr. Leon Vaysse, one of its well qualified professors, who was willing on reasonable terms, to emigrate to the United States, and to take a station in our Asylum. He accompanied the president on his return, has engaged in the duties of a professor, and the Board have reason to believe, as well from the high recommendations of the director and administration of the Royal Institute at Paris, as from their own observation since he has entered upon his office, that Mr. Vaysse, in point of moral and literary qualifications, and their useful adaptation to the art of instructing the deaf and dumb, is a very important acquisition to the institution.

Besides the advantages derived from the services of a teacher, capable of imparting a knowledge of the systems of the Abbés De

L'Epée and Sicard, with such improvements as have been made in them since the death of those eminent men, the Board have also been successful in engaging the permanent services of Mr. Harry P. Peet, so well known as a highly qualified instructor for several years past, in the American Asylum at Hartford. Mr. Peet is to reside, with his family, at the Asylum, and to occupy the name and office of principal, and in that character, besides his personal attention to the business of instruction, is to have the general superintendence of the government of the establishment in its intellectual, moral and religious departments, subject to such regulations as the Board have already established, or may hereafter prescribe.

Mr. Loofborrow and Miss Starsbury, who have so long given the Board the benefit of their talents and experience in the duties of instruction, also continue their services in conjunction with the principal and the professor from France. The Board apprehend that little will now be wanting but the continued patronage of the enlightened Legislature of the state, and the benevolence of their fellow-citizens, to afford through the medium of their seminary, the best means of education to any number of deaf mutes that may be committed to their charge.

It is also gratifying to the Board, that Mrs. Peet gives her services as matron at the Asylum, and that a lady of much experience from the Hartford Asylum will occupy a very useful department of duty in the female part of the establishment.

The mute assistant who was in the Institution at the date of the last annual report, continued until September last, and was then dismissed by the Board, with their disapprobation of his conduct during the latter part of his employment in the Institution.

Another person has been engaged as an assistant instructor and tutor in place of the deaf mute dismissed. He is a young man of uncommon mind, from New-Jersey, by the name of John R. Burnet, and is not a mute from birth, having lost his hearing when eight years old, after learning to read and write. As he has not until lately had intercourse with those laboring under the same inability with himself, he is now on trial, without any other remuneration than his board, to ascertain whether he can acquire the art of instructing the deaf and dumb, so as to make that employment the means of his future support.

The report of the president on his return from Europe, giving an account of his visits to several institutions for deaf mutes, his engagement of a teacher, and his inquiries on the subject of articulation, is a valuable document, and is hereunto annexed. (Document No. 5.)

General Condition.

The general state and condition of the institution continues to be prosperous, and even more so than at any former period. During the year the income has enabled the directors to pay all the ordinary and some extraordinary expenses, to lay up a stock of supplies for the winter, and to reduce the debt of the Institution three thousand dollars.

Employments.

Employment of the pupils out of school has been a subject of solicitude and inquiry. A portion of that time must necessarily be devoted to study, and yet several hours in the day would still be consumed in idleness, if some useful occupation for the pupils were not provided. The Board has therefore engaged in the working department a professed gardener, tailor and shoe-maker. A number of boys, with the approbation of their friends, have chosen to work at one or other of the two last trades, and during the past season four boys were regularly and alternately detailed for one week to assist in the garden out of school hours. The directors are satisfied that all the pupils who are able should be occupied in some useful employment, when not engaged in study. But to extend the working department into numerous arts and employments, with a few at each, and a master of the trade to direct, would necessarily create much additional expense. The directors however contemplate some others, that the choice of pupils and their parents may not be confined to so small a number. Weaving has been proposed as an employment in which both males and females may be advantageously employed.

The female mutes are regularly occupied in sewing when not otherwise engaged, and two well qualified females are constantly with them to help make and mend their clothes, and to instruct them in the use of the needle. It has been the practice regularly and alternately to detail four of them to assist for one week (out of school hours) in the domestic concerns of the Asylum, reserving the more laborious work for the hired persons.

The Board anticipates making an attempt to cultivate the mulberry and rear the silk worm, which being agreeable and light employment, may be conducted principally by females. The late improvements in Europe of sowing the mulberry seeds annually, and using the leaves of the young plants to feed the worms, will admit the experiment being tried and the result determined without waiting for the growth of the young plants to trees.

Library and Cabinet.

The library which was commenced the last year for the use of the teachers and pupils, has been increased by the addition of a considerable number of volumes principally received by donation. They now amount to several hundred volumes, and there are promises of further additions.

A cabinet has also been commenced, and it is intended to extend it, so as to embrace some articles of philosophical apparatus, tools and implements, to make it practically useful, and enable the Board to raise this institution above a mere elementary school. The work is already begun, a case has been prepared, and a number of articles received. Among them is a moveable sun dial, and a thermometer, with the last of which the mute assistant teacher has commenced making meteorological observations, and keeping a thermometrical journal. Further donations for the library and cabinet will be solicited.

Garden.

In the working department the garden has been the most useful and productive. It has been well cultivated, and furnished much light work for the male pupils, who have been amused while thus employed, and gratified with the use of roots, fruits and vegetables which they themselves have assisted to raise. Nearly four acres have been under cultivation during the past season, producing several successive crops. Every vegetable production usually cultivated in gardens has been raised, and the pupils have enjoyed them in abundance while they were fresh and good; and a large stock has been laid up for winter supplies. When a surplus quantity of perishable articles was on hand, they were sent to market and sold. The amount received from such sales is stated in the treasurer's account; but if we add to it an estimate of the value of articles consumed during the summer, and of those laid up for winter, the sum would more than pay the expenses of the garden.

Supervisors' Pupils, &c.

The interest which others have taken in the institution has not been diminished. The supervisors of the county of New-York continue the provision for eleven mutes commenced last year, and the Female Association still have three children in the school.

Donations.

If further evidence were wanting that this institution has merited and continues to attract public attention and regard, it would be found in the liberal donations, during the past year, in money, books for a library, materials for a cabinet, and flowers, shrubs and trees to ornament the grounds around the Asylum. Credit is given to the numerous individuals from whom they were received, and a list annexed, (Document No. 6.)

Improvements.

The grounds around the Asylum have been much improved and ornamented by cultivation, ditching, draining, and fencing, and by bettering the roads leading to the Third and Fifth Avenues, the two great thoroughfares from the Asylum to the city. This work was absolutely necessary for the comfort and convenience of the institution; and owing to the nature and condition of the ground, has been considerably expensive. Further expenditures for similar work will in all probability be necessary.

As good water is one of the indispensable necessities of life, the Board have made great efforts to procure the same, and after some discouragement and delay, hope they have at length succeeded in their object.

Other Institutions.

The recent visit of the president to several institutions in Europe, has been the means of opening an intercourse from which a friendly correspondence may be anticipated, and in addition to their reports already received, others may be expected. A number of valuable books on the subject of the deaf and dumb, in French, German, and Italian, have been purchased in Europe and placed in our library, and an agent has been directed to procure the most approved works from Germany. During the year a communication and report have been received from the institution for deaf mutes, at Troyes in France, and a letter from a gentlemen who has established a school

for them in Calcutta, (East Indies,) wishing to open a communication, and receive the reports of this institution.

The Honorable the Secretary of State observes, in his report as Superintendent of Common Schools, made to the Honorable the Senate, on the 3d March, 1830, as follows:

"The facts and opinions which have been alluded to, give the strongest assurance that one school well supported, and furnished with competent teachers, would be abundantly sufficient for the present and future wants of the deaf and dumb in this state.

"In view of all the facts and circumstances connected with this case, the Superintendent is decidedly of opinion that it is not advisable to make a grant for the erection of permanent buildings for the use of the deaf and dumb, to be located at Canajoharie. He is also of opinion, that the New-York Asylum is sufficiently large to contain all the deaf and dumb who will attend school. This building will accommodate from 150 to 200 scholars, and the state has paid \$10,000 dollars towards its erection. It is hoped and believed that the directors of this institution will procure an additional number of well qualified teachers, and place the school as they now have the power of doing, upon as good a footing as either of the schools at Hartford or Philadelphia, and when this is done, it is believed that it will be for the best interests of the deaf and dumb, as well as good economy, to concentrate the patronage of the state, and of individuals, in building up one good school."

The preceding detail on the subject of teachers, will show the earnestness, zeal, and success, with which the directors have exerted themselves to conform to the expectations held forth by the Secretary of State, and their determination to fulfil, as far as may be in their power, the utmost expectations of the Legislature. In relation to the subject now referred to, while they feel by no means disposed improperly to interfere with other schools, they nevertheless deem it their duty to express to the legislature, their willingness to receive, accommodate, and instruct, any number of pupils that may be provided for by the munificence of the public, to the full extent of their means. If the views of the Secretary, as Superintendent of Common Schools, should meet with the approbation of the legislature, and it should appear to them as to him, that it will administer to the "*best interests of the deaf and dumb*," to consolidate the Central Asylum

with this institution, the directors would readily make arrangements to receive their pupils and teachers, under such regulations as the legislature might prescribe.

All which is respectfully submitted.

By order of the Board.

JAMES MILNOR, *President.*

SAMUEL AKERLY, *Sec'ry.*

New-York, 4th January, 1831.

DOCUMENTS.

No. 1.

Abstract of the account current of Charles Mapes, Treasurer of the institution, for the year 1830.

Receipts in 1830.

Balance of account from 1829,	\$651 31
“ Asylum fund, received from Asylum committee,.....	233 40
Received from Comptroller, for State pupils,.....	5,263 79
Mayor of N. York, for lottery licenses, Supervisors of N. York, through city Comptroller,.....	7,000 00
Treasurer of N. Jersey, for N. Jersey State pupils,.....	1,650 00
pay and part pay pupils,	453 33
Female Association, for their pupils, ..	716 11
donations and subscriptions in cash,...	231 76
sale of garden produce,.....	212 62½
sale of produce of work-shop,.....	151 62½
parents of children, for shoes and clothing furnished,.....	196 27½
sale of elementary exercises,.....	151 10½
	12 00
	<hr/> \$16,923 33 <hr/>

Expenditures in 1830.

For superintendence and tuition,.....	\$3,137 50
steward, matron, gardener, tailor, shoemaker and servants,	1,012 32
interest on debt,.....	744 40
reducing debt,.....	3,000 00
ground rent to corporation,.....	150 00
provisions and groceries,.....	3,119 54
wood and coal for fuel, and carting them,.....	797 29
shoes for pupils before engaging shoemaker,.....	65 68
dry goods for clothing for pupils,.....	181 66
leather and findings for shoe-shop,	325 66
insurance,.....	103 76
printing, advertising, postage,.....	149 33
	<hr/>

Carried forward,..\$.

Brought forward, . . . \$	
For tin-ware, stoves, stove-pipe, erecting, repairing, . .	121 94
expenses of teacher from Europe, and delegations to Albany, Washington, and Hartford,	678 30
advance to teacher from Europe,	200 00
lightning-rods and blacksmith's work,	108 12
books and stationary,	236 90
hardware,	123 69
boards, plank, paling, &c. for fencing,	273 17
furniture, blinds, bedsteads,	218 31
new oven, plastering round chimneys,	145 05
bricks for oven, paving, lime, sand, and carting, . .	152 53
garden, for seeds, box, manure, &c.	101 88
a horse, a cow, cart and harness,	158 81
oats, hay and straw,	170 54
making stone-wall, blasting rocks, ditching, pa- ving, &c.	599 25
sundries, as cart and carriage hire, crockery, lea- ther hose, sign, &c.	176 18½
Balance in cash, December 22, 1830, carried to new account,	671 51½
<hr/>	
\$16,923 33	

The committee, having examined the accounts of Charles Mapes, treasurer, and compared them with the vouchers, report a balance in his hands, due the institution, of six hundred and seventy-one dollars and fifty-one cents.

PETER SHARPE,
JNO. SLIDELL,
Committee of Finance.

New-York, 22d December, 1830.

(No. 2.)

To the Hon. the Comptroller of the State of New-York.

In conformity to the provisions of an act of the Legislature of the state of New-York, entitled "An act to provide for the building an Asylum for the deaf and dumb in the city of New-York," passed 23d March, 1827, the directors of the institution for the deaf and dumb, herewith transmit to the Comptroller of the state, the vouchers for the expenditure of the sum appropriated by the Legislature, as also the amount provided by the directors of the said institution, and set apart for the purposes aforesaid, amounting in the whole to \$6,870.²³/₁₀₀ dollars.

Carpenter's contract for building the Asylum,	\$13,000	00
Mason's " " " "	10,875	00
Rough casting outside of the Asylum,	1,017	00
Digging cellar, carting stone, &c.	338	31
Blasting foundation rock, sinking well through the rock, &c.	1,317	69
Extra mason's work,	655	74
Out-houses and extra carpenter's work,	4,953	41
Insurance,	198	00
Superintending building and contracts,	1,000	00
Sundry other accounts,	1,405	40
To superintendent for sundry disbursements,	576	38
Returned to treasurer of the institution,	1,583	40

\$36,870 33

By order of the Directors.

JAMES MILNOR, Pres't.

SAMUEL AKERLY, Sec'y.

Jan. 28th, 1830. To cash received at sundry times since June, 1827,..... \$36,870 33

CR. Asylum Fund, &c.

Asher Riley's Contract for Carpenters' Work.

No.

1827.

1 Sept. 26, by 1st pay't on contract... \$1,300 00

2 Dec. 17,	2d	"	..	1,300 00
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1828.

3 April 26,	8d	"	..	1,300 00
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4 June 5,	4th	"	..	1,800 00
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5 July 3,	5th	"	..	1,300 00
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6 Aug. 1,	6th	"	..	1,300 00
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7 Sept. 11,	7th	"	..	1,300 00
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8 Oct.	11,	8th	"	..	1,300 00
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9 Nov. 24,	9th	"	..	1,300 00
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10 Dec. 17, 10th " .. 1,300 00

\$13,000 00

Amount carried forward,..... \$

Amount brought forward,..... \$

Horace Butter's Contract for Mason Work.

No.

1827.

11	Sept. 26,	by 1st pay't	on contract,..	\$1,200 00
12	Dec. 8,	2d	" ..	1,200 00
1828.				
13	April 25,	3d	" ..	1,200 00
14	May 12,	4th	" ..	1,200 00
15	June 19,	5th	" ..	1,200 00
16	Aug. 13,	6th	" ..	1,200 00
17	" 13,	7th	" ..	1,200 00
18	Oct. 11,	8th	" ..	1,200 00
19	Nov. 25,	9th	" ..	1,275 00

10,875 00

Cornelius Myers, digging Cellar, Carting Stone, &c.

1827.

20	Sept. 17,	by payment	on account,..	\$50 00
21	Oct. 2,	"	" ..	60 00
22	Dec. 29,	"	" ..	100 00
1828.				
23	Mar. 31,	"	" ..	64 38
24	Aug. 27,	"	in full,..	63 93

338 31

L. Bonnemmer and Geo. Gill, rough Casting outside.

1828.

25	Sept. 1,	by 1st pay't	to Bonnemmer,..	\$400 00
26	" 11,	2d	" ..	450 00
1829.				
27	" 30,	amount paid	Geo. Gill for re-plastering north side Asy- lum,.....	167 00

1,017 00

***John Galliker and John Fohey, blasting Foundation
and other rock, and sinking well, &c.***

1827.

28	Aug. 14,	by pay't to	Galliker on acc't,	\$170 00
29	Sept. 17,	"	" ..	200 00
30	Oct. 2,	"	" ..	100 00
31	Oct. 22,	"	" ..	250 00
32	Dec. 18,	"	" ..	64 94
1828.				
33	Oct. 11,	"	" ..	100 00
34	Dec. 8,	"	" ..	45 00
35	Aug. 28,	"	" ..	22 50

Amount carried forward,..... \$

Amount brought forward, \$

No.	1828.		
36	Sept. 1,	by pay't to J. Fohey on acc't,	\$100 00
37	Oct. 11,	"	100 00
	1829.		
38	Oct. 5,	"	165 25
			<hr/>
			\$1,317 69

Horace Buller, extra Mason work.

	1829.		
39	Mar. 3,	by payment on account, ...	\$547 97
40	Sept. 14,	" in full,	107 77
			<hr/>
			655 74

Asher Riley, contract for Out-houses and extra work, for fencing, fixtures and school furniture.

	1828.		
41	Dec. 27,	by pay't on acc't of out-houses,	\$1,000 00
	1829.		
42	Jan. 31,	"	1,000 00
43	Mar. 16,	"	500 00
44	May 22,	"	500 00
45	July 3,	"	300 00
46	Sept. 9,	for other work,	1,580 72
47	Dec. 29,	"	72 69
			<hr/>
			4,953 41

Insurance.

	1828.		
48	Sept. 3,	by am't paid premium of insurance,	\$108 00
	1829.		
49	May 8,	"	90 00
			<hr/>
			198 00

M. E. Thompson, for Plans, Drafts, and superintending buildings and contracts.

	1828.		
50	Jan. 11,	by payment on account,	\$250 00
51	June 10,	"	250 00
52	Nov. 24,	"	250 00
	1829.		
53	Mar. 28,	in full,	250 00
			<hr/>
			1,000 00

Sundry other Accounts.

	1827.		
54	Sept. 17,	by amount paid for shingles,	\$490 05
55	" "	" carting shingles,	24 25
			<hr/>

Amount carried forward,

[A. No. 95.]

3

\$ \$

Amount brought forward,...		\$	\$
No.			
1827.			
56 Feb. 2,	by amount paid Wm. Eagleson for marble chimney-pieces,.....	349	00
1829.			
57 May 22,	by amount paid W. B. Bollis for a desk,.....	50	00
58 Aug. 18,	by amount paid J. C. Bayles for blinds,.....	171	00
59 Sept. 25,	by amount paid Andrew Sit-cher, for painting,	298	10
60 Dec. 30,	by amount paid Woodruff & Smith for fixing the work-shop,.....	23	00
			1,405 40
<i>To M. E. Thompson, Superintendent of buildings, to pay sundry accounts</i>			
1828.			
61 Dec. 13,	by am't paid on acc't of work,	\$350	00
1829.			
62 April 25,	" "	150	00
63 Aug. 18,	" "	76	38
			576 38
<i>Returned to Charles Mapes, Treasurer of the Institution for ordinary purposes.</i>			
1827.			
64 Sept. 21,	by am't repaid C. Mapes,	\$500	00
1829.			
65 Feb. 10,	" "	500	00
66 Dec. 28,	" "	300	00
1830.			
67 Jan. 28,	" "		
	balance of Asylum fund, ..	233	40
			1,533 40
			<u>\$36,870 33</u>

The foregoing statement is a copy of the one deposited by me in the Comptroller's office at Albany.

SAMUEL AKERLY,
Secretary.

(No. 8.)

To the Hon. the Senate of the State of New-York.

The subscriber, secretary of the New-York institution for the instruction of the deaf and dumb, considers it his duty to submit the following explanations, called for by the report of the Superintendent of Common Schools, presented to the Senate on the 3d March, 1830, on the subject of schools for the deaf and dumb.

The Superintendent states that the cost of the Asylum, and the disposition of the Asylum fund ought to have been given in the eleventh annual report of the institution.

The Asylum fund, specially so called, was created and set apart for the purpose of establishing an Asylum for the deaf and dumb, and its necessary appendages, in or near the city of New-York. The money constituting said fund was deposited in the Mechanics' bank of New-York, in the name of John Slidell, Peter Sharpe, and Stephen Allen, and no part of it was to be drawn except upon a check, signed by two of them, on a requisition certifying that the money was due. This was accordingly a distinct account from that of the ordinary receipts and expenditures, kept by the treasurer of the institution, who, as usual, rendered his account early in January, 1830, for examination, in order that it might accompany the annual report for the preceding year. When the said report was prepared, and ready to be sent to the legislature, the Asylum account was not made out, but it was ascertained from the chairman of the committee in charge of the Asylum fund, that when certain bills were paid there would be a balance of \$233.40 of said fund, which would be paid over to the treasurer of the institution, the account closed and a statement rendered, accompanied by the vouchers, to be deposited according to law, in the office of the Comptroller of the State. This, then, is the reason why the particulars of the cost of the Asylum, and the expenditure of the Asylum fund was not given in the eleventh annual report. It was subsequently presented, and the subscriber has deposited the statement of the Asylum fund and the vouchers for its expenditure in the Comptroller's office, and this was done before the Superintendent's report was presented to the Senate. It was known to the directors that the expense of the Asylum had exceeded the original estimate, but the details were not in possession of those charged with the duty of preparing the annual report.

From the information contained in the statement deposited in the Comptroller's office, it now appears that the total amount of the Asylum fund, disbursed by the special committee in charge of said fund, was \$36,870 33

This amount was produced as follows, viz:

Appropriated by the state, in 1827,.....	\$10,000 00	
Raised by the directors of the institution,.	15,870 33	
Borrowed by do do	11,000 00	
		<u>\$36,870 33</u>

Of this amount \$1,533.40 have been repaid to the treasurer of the institution for ordinary purposes, and accounted for by him, leaving a large sum to be explained and accounted for, expended on, in, and about the Asylum, of..... \$35,336 93

The statement deposited in the Comptroller's office further shows,

The amount of original contract for the

Asylum.	\$23,870 00
Amount of original contract for out-houses,	3,300 00
Contracts for rough-casting outside,.....	1,017 00
Architect, superintending building, &c....	1,000 00
Extra mason work for cisterns, sinks, &c..	655 74
Blasting rocks, and ditching,.....	1,317 69
Insurance,.....	198 00
Other accounts,	3,978 50

35,336 93

The original estimate, as stated by the Superintendent of Common Schools, was about 20,000 dollars for the Asylum, which estimate, as mentioned in a letter to him of the 16th June, 1827, (Document E. of his report,) was made on the presumption that all our building materials of stone could be obtained on the premises, where it was thought they could be quarried. At that time contracts had not been entered into, and the estimate of the architect was contingent upon the abundance of rock supposed to be capable of supplying materials for stone building. Subsequent trials proved that the rock in the immediate neighborhood of the Asylum would not furnish good building stone, and when proposals for contract were issued to erect a structure of stone on the plan and of the size proposed, it was found to exceed expectation, and to amount to more than 25,000 dollars, while the offers to build of brick were less.

In the mean time the architect, together with the subscriber, visited the institutions at Philadelphia and Hartford, to ascertain if any improvements or alterations could be suggested, after examining the conveniences, arrangements, and structure of the buildings for the deaf and dumb in those places. They saw nothing to admire either in the architecture or planning of the Asylum at Hartford. The one in Philadelphia is a neat and chaste piece of architecture in its external appearance, but its internal arrangement is acknowledged to be inconvenient. The visitors admired the stone steps leading to the dormitories, and recommended them to the attention of the directors of the New-York institution on their return from Philadelphia. The proposition of stone steps leading to the dormitories added 1,600 dollars to the preceding estimate for building the Asylum. When the circumstances were all taken into consideration it was proposed to retain the same plan and arrangement of the interior, but to shorten the building, and reduce the stories. A new plan was accordingly made and submitted, but it so altered the size and proportions of all its parts, that the architect declared it would not be creditable when so erected to any one concerned.

It was finally agreed to accept the offers to erect a brick building according to the first plans, at an expense of 23,870 dollars, for work and materials, except foundation stone. Other offers were considerably higher. The contracts were signed in the latter part of September, and the building was commenced in October, 1827. It is due to the contractors, Mr. Asber Riley, carpenter, and Mr. Horace Butler, mason, to say, that they have done justice to the institution, and that their work and materials were substantial and good.

The out-houses are a stable, a work-shop with a stone foundation and cellar under it, a shed in the rear of the Asylum 110 feet long, in one end of which is a store-house, in the centre a privy, and in the other end a room intended for a store-room, but now occupied by the gardener. These together cost about 3,300 dollars.

The rough-casting, (or stucco,) on the outside of the Asylum, was executed by the first contract, for 850 dollars, including work and materials, but last winter the plastering all came off of the north side. The directors sued for damages, but accepted seventy-five dollars, by compromise, on account of doubts whether they could recover on the contract. The contractor was not the builder of the Asylum. An agreement was made with another person to repair the damages for one hundred and sixty-seven dollars, the materials to be found by the directors. It has withstood the past winter without alteration.

The sum of one thousand dollars was paid the architect for plans, drafts, contracts, and superintending the whole from the commencement, in 1827, to the completion and occupancy of the Asylum in April, 1829.

There was some extra mason work found necessary after the building was finished, not included in the contract. Two brick partitions were made in the basement story, the areas were paved with brick, two large brick cisterns were constructed, the privies plastered, and pillars of brick, instead of wood, put under the stoops, &c. all of which cost (655⁷⁴/₁₀₀) six hundred and fifty-five dollars 74 cents.

There was paid for blasting rocks, 1,317⁹⁶/₁₀₀ dollars. To this amount may be added 200 dollars for the same purpose, included in another account. These expenditures were almost all for extra work, unforeseen, and absolutely necessary. Two sinks, two cisterns, and a well, had all to be blasted through the rock. Where the Asylum stands, the rock was also blasted to obtain a level and depth for the basement story, but this rock was micaceous and brittle, and not fit for building, and it required additional expense to remove it.

One hundred and ninety-eight dollars were paid for policies of insurance, including an extra, or carpenter's risk, while building. Other policies were afterwards taken out, and will not expire until May next, (1830.)

The balance of expenses, as stated above, amounting to 3,978⁴⁸/₁₀₀ dollars, includes extra carpenter's work for fencing, fixtures, school-furniture, and inside shutters, and other bills for blinds, chimney pieces, coal grates, bedding, bedsteads, and all the necessary apparatus for that large establishment, a horse and cart, &c.

These constitute the amount above stated, of \$35,336 ¹¹/₁₀₀, as near as the subscriber can recollect, from the general statement, without having the details of the bills before him. Some of these expenditures have been unexpected, and were unavoidable. It is believed, however, by good judges, that the money expended on the Asylum buildings and adjacent grounds, has not been wasted or profusely lavished. The expense of the Asylum and out-houses, is but little more than the expense of the American Asylum, at Hartford, and it is larger, handsomer, more substantial, convenient and commodious than the one in Connecticut. The Asylum in Hartford, can accommodate about 140 mutes, the one in Philadelphia, over 150. Much of the expense incurred in New-York, arose from the nature of the ground and its locality. The well, for instance, was blasted through the rock at an expense of between two and three hundred dollars, and as the water is not good, the directors will be under the necessity of sinking another. The rock is not far beneath the surface, and it is covered with a clay which holds water, and has required draining, for which purpose more than 2,000 feet of blind or covered drains have been made about the premises.

To meet the expenditure above accounted for, it will be seen, by the preceding statement, that the directors of the institution raised 15,870 dollars, and borrowed 11,000 dollars. They were aware that borrowing would be a subject of censure; but they thought by stopping and leaving the buildings unfinished, and the object unaccomplished, they would be equally censurable, and if they had re-applied for a further state appropriation, they did not believe the Legislature would make it. They, therefore, borrowed the deficiency, determined to proceed, until their plans were fully accomplished, convinced that their zeal was exercised in a good cause, and that their motives would not be impeached. Looking back too, to the means which they had used to raise an amount, beyond what was required of them by law, they felt that the debt contracted could be liquidated, and they still feel and believe that they can gradually liquidate it, without calling upon the Legislature for further aid. They do not now ask assistance for that purpose, but that the destitute may be sent to occupy the house prepared for them, and receive the benefits which the institution can bestow upon the deaf and dumb.

The Hon. the Secretary of State and Superintendent of Common Schools, does injustice to the directors of the New-York institution, by his observation, that, "There is among those who have the immediate charge of the New-York school, a pertinacity on this subject, which is to be regretted, and which presents a strong barrier to the introduction of any improvements." And again, he says, "They are not willing to admit that any alteration is necessary in their system of instruction."

As proof to the contrary, the subscriber begs leave to state the facts, that they have been some time past, negotiating to obtain a teacher from Paris, and when, during the last summer, it was ascertained that their offers were not accepted, Dr. Milnor, president of the institution, went to Hartford, and made an unsuccessful effort to procure a teacher from that school. Subsequently an offer of 1,000

dollars per annum, and board, was made to the 2nd teacher in Philadelphia, and refused. And the subscriber is advised, since his arrival in Albany, that Dr. Milnor is about to visit Europe, and be absent from New-York for a few months, and before his return will visit Paris. He is authorised by the directors personally to inquire for, and, if possible, to engage a teacher of mutes, at the Royal institution, where the principles and practice of the Abbé Sicard, are pursued, and where, it is believed, some improvements have been made since his death. In addition to these facts, the directors have provided large slates, to conform to the method pursued at Hartford, and in their eleventh annual report they acknowledge a deficiency in teachers.

The directors have proceeded thus far, with a determination that this state should have the first institution for mutes in the country. They now have the largest building, but to be upon "as good a footing" as other schools, they want additional pupils, additional teachers, and additional means.

The institution at Hartford, has an income of between 14 and 15,000 dollars from pay pupils, and a fund derived from the sale of a township of land granted by congress, believed to exceed 100,000 dollars, producing a probable annual income, from all their sources of revenue, of over 20,000 dollars.

The Superintendent states, that "there is annually paid for the support of the (New-York) school, in pursuance of Legislative enactments, about 8,700 dollars." This is nearly the amount of the last year, and it arose from the lottery licenses in the city, and from the act providing for 32 indigent mutes. The latter cannot produce over 4,800 dollars, and in no one year, since its enactment, has this amount been drawn. The lottery licenses produce an indirect appropriation, which is uncertain and irregular in its proceeds. The sum derived from this source varies every year, having been one year as low as 875 dollars, and another as high as 4,375, (viz. in 1828). In consequence of this irregularity, no calculation can be made, before hand, on this source of income, and it is expected, in a few years, to cease, from provisions in the constitution. The provision for the board and instruction of 32 indigent mutes, ceases in May, 1831, and hence the directors of the institution are desirous of a renewal and extension of the same, or other provisions, at this time, lest the concerns of the institution be at a stand the next year.

It is correctly remarked by the Superintendent, that the third section of the act of 23d March, 1827, is unequal in its operation, and "manifestly unjust." This provision was not asked for, and has been but partially acted upon by the directors. It would be preferable to give all, as suggested by the Superintendent, five years instruction, instead of that partial provision for six, which provision was introduced by a senator, not now a member.

The observations of the Superintendent, in relation to a by-law of the institution, appear, to the subscriber, to have been unnecessary, as it required no legislative enactment to alter it, and he is sure the directors would have made it conform to reason and propriety, if it had been suggested to them. As it is, however, the regulation (though not precisely worded,) is intended to apply to the pu-

pils of the Ladies' Society, and those of the supervisors, as well as the state pupils. They are all treated alike, and taught, fed, and lodged in the same manner.

It would, no doubt, be more agreeable to the directors, and tend to advance the interests of the institution, if the Superintendent, in his official visits, should communicate with them, and "*suggest to the directors,*" &c. "*such improvements as he shall deem expedient.*" Such a course the law directs, and would be conciliatory, and prevent unnecessary complaints on both sides.

Further remarks are perhaps unnecessary, other than to assure the Legislature, that those who have the immediate charge of the New-York Institution for the Deaf and Dumb, have the best interests of those under their charge at heart, and are not opposed to the introduction of improvements. That the Legislature may so aid the institution, by a renewal or amendment of the existing laws, as to extend their benefits to a larger number of deaf mutes, and to put the institution on as good a footing as other schools, is the prayer of the petition of the directors, lately presented to the Honorable the Senate, and is hereby renewed, with the foregoing explanations, (called forth by the Report of the Superintendent of Common Schools, of the 3d instant,) is respectfully submitted, by your fellow citizen and humble servant.

SAMUEL AKERLY, *Secretary,*
New-York Institu'n. for the Deaf and Dumb.

Albany, March 15th, 1830.

(No. 4.)

LIST OF PUPILS.

1st. State Pupils.

First Senatorial District.

Isaac Vandenberg,
James McGowan,
Margaret Ryer,
Clarissa Holland,

Benjamin Gatfield,
Jeremiah Conklin,
Nathan M. Totten.

Second Senatorial District.

Caroline Kirk,
Stephen Minard,
Rachel Johnson,
Abel B. Baker,

Mary M. Crain,
David Bise,
Maria Eighmy.

Third Senatorial District.

William P. Field,
Ward Persons,

Eliza Stewart,
William Rosman,

Gilbert C. W. Gamage,
Sumner Frizell,

Pater Silver.

Fourth Senatorial District.

Lavinia M. Jewell,
Julia A. Hoffman,
Angeline Peck,
Robert Cummings,

William Phinney,
George Steel,
Joel J. Strong.

Fifth Senatorial District.

Mary Holt,
Ann Reeves,
Rebecca Palmer,
Arad Howard,

Eliza Ann Cornell,
Timothy Pickering,
Lydia A. Atwater.

Sixth Senatorial District.

Margaret Quin,
Daniel Weatherby, jun.
Emeline Beckwith,
Lovinus B. Taylor,

Wm. Peter Cole,
Mary Ann Dickinson,
Juliette Dickinson.

Seventh Senatorial District.

Charlotte Peck,
Andrew R. Schryder,
Gilbert Derlin,
Lucien D. Wood,

Harriet Armstrong,
Mary Keith,
Martha Lamperson.

Eighth Senatorial District.

Joshua Whitney,
Martin Crandle,
Louisa A. Moore,
Ursula Wilson,

Thomas Wilson,
Ira McManners,
Jane Milhench.

56

2d. Pupils of the Supervisors of New-York.

John Harwood,
George W. Swan,
John Shotwell,
Timothy D. Townsend,
Caroline Bennett,
Francis McCommisky,

Harriet C. Gamage,
Louisa Young,
Mary Trainer,
Sarah Wayland,
Mary Wayland.

11

3d. Pupils of the Female Association.

James Noe,
James Oliver Clarke,
[A. No. 95.]

Daniel Lafferty.

3

4

4th. Pay and part pay Pupils.

James M. Gouverneur,	Jacob Bogert,	
James L. Harris,	Elizabeth Webster,	
Josiah Jones,	Hannah Webster,	
John Toohey,	Isaac G. Baldwin.	
Mary Dryer,	Thomas Biggar.	10

5th. Charity Pupils.

Mary Smith,	Elizabeth Lafferty,	
Ransom Driskill,	Robert Leader.	
John Larmer,		5
Total number of pupils, 31st December, 1830,.....		85

(No. 5.)

NEW-YORK, Nov. 8, 1830.

The Directors of the New-York Institution for the instruction of the Deaf and Dumb.

GENTLEMEN,

In compliance with your resolution of the 3d of March last, "authorizing me during my visit to Europe to make an engagement with a teacher to be employed in this institution, leaving the terms of such engagement to my discretion, and further authorizing me to purchase such books, and to collect such information as I might think calculated to promote the interests of this institution," I have made it my duty to visit as many of the foreign schools for the instruction of deaf mutes as I found practicable, and now beg leave to communicate to you such information as I was able to obtain, together with the measures taken by me for the procurance of a teacher, with their result.

On my arrival in Liverpool, where I spent at that time but a single day, I inquired whether this charitable work had been prosecuted there with the same zeal which I knew had distinguished its enterprising inhabitants in many other objects of public utility, and found that they had but a small school under a single teacher. The pupils were but twenty in number, and the teacher was not considered very efficient in the discharge of his duties. I happened to make my inquiry at the house of a friend, where a gentleman present was referred to as having been a principal agent in founding the school, and who still took much interest in its object, while he lamented that it had not yet received the attention which it merited. Being very solicitous to obtain information as to the prevailing sentiment abroad on the subject of articulation, I asked his opinion as to

the practicability and advantage of teaching the dumb to speak. I found he was a decided advocate of the plan, considered it altogether feasible, and supposed its accomplishment to be an object of great importance. I stated as objections, the labor and difficulty attending it, the limited extent to which it can be carried, and the imperfect, disagreeable, guttural enunciation, apparently painful both to the speaker and hearer, which I observed, in our country, in all with whom the experiment had been tried; for which reason I presumed it had not formed a part of the system of the Abbés De L'Épée and Sicard. To convince me that our failure must have been for want of proper instruction, he proposed, that I should visit with him a family of his acquaintance, in which there were a young gentleman and his sister, deaf mutes, the former of whom had learned to speak in a manner free from the objections which I had urged. We found them at home, and had an interview of some length with them. I was much gratified with the talent exhibited by both, and their great advancement in various branches of education. We were shewn a number of drawings and paintings copied by them, and beautiful specimens of ornamental writing, to which the young lady added some ingenious work in worsted, which she had just completed. The latter had made very little proficiency in speaking, and the young gentleman's attempt, instead of removing my difficulties was calculated to increase them. His voice was so weak, and his articulation so indistinct, that, when he addressed himself to the members of his family present, I could distinguish scarcely a single word, and when he spoke immediately to me it was but little better. He repeated the Lord's prayer in a tone by no means pleasant, and with an articulation far from distinct.

As soon as convenient after my arrival in London, I visited the Institution in Surry, formerly under the care of Dr. Watson, and now under that of his son. I was received by Mr. Watson with great kindness, and shewn through the building, which is convenient and well adapted to its objects. It contains about two hundred and twenty pupils. Twelve or fourteen private pupils reside apart from the others in Mr. Watson's family. I had an opportunity of witnessing the instruction of the pupils; which very nearly resembles ours, except in two particulars, the use of the double handed Alphabet (certainly I think not so simple and convenient as that performed with a single hand,) and the teaching of articulation. I made very particular inquiry of Mr. Watson in relation to his views of the expediency of the latter, and found his opinion as the result of his father's and his experience, entirely favorable to its use. I saw and conversed with two men, one of whom had been employed in some subordinate station in the Asylum twenty-seven years, and the other a shorter time. They both spoke without much apparent difficulty, and in a voice far more agreeable than I had before heard. One of the tutors, also a deaf mute, appeared to understand me readily by the motion of my lips, only occasionally requiring a repetition of the words. He was kind enough to show me some of his compositions, which were not only correctly written, but evinced a well informed understanding, and a pious heart. His enunciation was not materially unpleasant, though by no means

so easy and agreeable as that of persons generally, who possess their hearing. But the most gratifying evidence of the practicability of teaching the deaf and dumb to speak, was in the performance of a beautiful boy, between twelve and thirteen years of age, who recited an address which had been prepared to be spoken by him at the ensuing annual dinner of the friends of the institution, at which the Duke of Gloucester is to preside. He delivered the whole memoritor in a sweet, pensive tone of voice, in which, though there was some monotony, yet I was astonished at the accuracy of his emphasis and accent, and of the perfect correctness of his memory. Mr. Watson gave me an opportunity of witnessing the attempts at speaking of several other pupils, none of whom equalled those already mentioned, and some were not capable of uttering any sounds that did not grate unpleasantly upon the ear. Upon the inquiry being made by me whether all the pupils were taught to speak, Mr. Watson answered in the negative. The experiment to instruct them is made on all, but from mal-conformation of the organs of speech, or other causes, it frequently fails, and the attempt is relinquished. It is a remarkable fact, that a pupil of this school, after completing his education, and proving himself a young man of excellent talents and attainments, studied law, has been admitted to its practice, and promises to be very able and useful in the duties of a chamber counsel. A number of the gentlemen of the bar in London gave a dinner on the occasion of his admission, among them, and Doctor Watson, (who died a short time afterwards,) was present, a highly gratified witness of the respect paid to this extraordinary instance of the success of his method of instruction. Mr. Watson could give me no encouragement as to the procurance of a teacher in Great Britain, those trained for that office being few in number, and soon finding employment in some of the many institutions forming in various parts of the kingdom for the instruction of this unfortunate class.

On my visit to Paris, I speedily repaired to the Royal Institute for the instruction of deaf mutes, and had a very pleasant interview with the Abbe Borel, its director, in which I communicated my wish to obtain an instructor, if possible, from their institution. He declared at once his willingness to make inquiry, and invited me to wait upon him again in a few days. On doing so, he told me that one of their professors, Mr. Leon Vaysse, was willing, if the terms were satisfactory, to emigrate to America, and accept a station in our Asylum. I had stated, as indispensable requisites in a teacher whom I should be willing to engage, respectable talents, good education, amiable manners, unimpeached morals, a full acquaintance with the French method of instruction, and an aptitude to teach, in all which particulars he assured me he could confidently recommend Mr. Vaysse. Mr. Vaysse was then introduced into the room, and the result of this, and subsequent conferences, was his engaging to accompany me to America. A written contract was executed by Mr. Vaysse and myself, which is herewith submitted, together with satisfactory testimonials of his character and qualifications from the director and the administration of the Royal Institute. Though some additional expense was incurred in consequence of

Mr. Vayse's meeting me for embarkation at Liverpool, instead of sailing from Havre, it is amply repaid, I trust, in the advantages he enjoyed from the society and instructions of my respected travelling companions and myself, in facilitating his acquisition of our language; in which, I am happy to say, he evinced great diligence and application, and has made a very rapid progress. I feel assured, both from his high recommendations, and my intercourse with him during our passage, that the Board will be gratified, and our charitable object be greatly promoted, by this encouraging accession to the number of our teachers.

After returning from the continent, I visited Dublin, where, by the efforts of Dr. Charles Orpin, and other benevolent individuals, a respectable institution has been established, which is under the conduct of Mr. Humphries, a member of the society of Friends. With Dr. Orpin I had several interesting conversations on the subject of the instruction of the deaf and dumb, and received from him a number of pamphlets on the subject, which will be deposited in our library. At the Asylum I was received with great kindness by Mr. Humphries. The Society own the building, to which a small farm is attached. The house is a very old one, and notwithstanding many alterations and additions to accommodate it to its objects, is by no means so convenient as could be desired. The school, which consists of seventy-two pupils, was not in session. I had an opportunity, however, of seeing a part of the pupils, who are here also taught articulation, when they are found competent to its acquisition. I was happy to learn, and shall be glad to see so laudable an example followed by the youth of our country, that this school is principally supported by juvenile associations. I also visited the Asylum in Glasgow, (Scotland,) but it was the season of vacation, and the principal, Mr. Kinneburg, was absent. The pupils are forty in number. Mr. Anderson, an assistant teacher, showed me the building, which, with its appurtenances, is neat and convenient, particularly the school room erected in the rear. The writing, the composition, and the drawings of the children, were pleasing specimens of talent.

I had an opportunity also of visiting the Asylum at Edinburgh, under charge of Mr. Kinneburg, father of the teacher at Glasgow, but there also it was vacation, and the principal was absent. The Asylum is a little removed from the city, is a handsome building, and beautifully situated. The pupils are seventy-two in number, and where practicable, are taught articulation, and also, as is the case at Glasgow, in some instances, a mechanical occupation.

The only remaining institution which I was able to visit was that at Manchester in England. It is unfortunately located in the midst of the city, and is unaccommodated with any yard or play-ground. The school-room is, however, sufficiently commodious for its immediate purposes. There are fifty pupils under the charge of Mr. Vaughn, the principal, with only one young man as his assistant. Mr. V. expressed to me very great regret that the school was not provided with more teachers. But it is altogether dependent for its support on some pay-pupils, and an inadequate amount of annual contributions. Articulation is taught with various degrees

of success. Two or three conversed with me agreeably. The voices of several others were unpleasant. Nothing has been done at Manchester in the way of teaching the deaf and dumb trades.—Mr. Vaughn does not teach grammar technically until the latter part of the pupils' course, but from the beginning they are taught it practically in the construction of sentences. The compositions I examined were respectable, and some of the boys manifested an extensive acquaintance with geography. I have nowhere observed more rapid and easily understood communication between a teacher and his pupils. But Mr. V. has been in this employment five and twenty years, and is indefatigable in his labors. He has during the summer four sessions a day—the first before breakfast, the second after breakfast, the third after dinner, and the fourth, which is conversational, after tea in the evening, allowing between each session some time for recreation, and appointing a different species of exercise for each. I spent two hours very satisfactorily at this school, and received from Mr. Vaughn reports of the committee of the society by which it is supported, and a book of instruction of which he is the author, which will be placed in our library.

It is very pleasing to me to add, in reference to the gentleman from the Royal Institute in Paris, that a few days after my arrival, Mr. Clero, the distinguished teacher from France, in the Asylum at Hartford, being in this city, called to see me, and was introduced by me to Mr. Vaysse. They immediately began a conversation by signs, and maintained it with mutual ease and apparent delight for a considerable time. Mr. Clero expressed to me afterwards the great satisfaction this conversation gave him in reference to Mr. Vaysse's acquaintance with the language of signs—declaring, in a significant manner, that "he conversed as well as if he were himself deaf and dumb."

I asked Mr. Clero his opinion on the subject of articulation. He gave it in favor of making the experiment with a few pupils; and as the practice obtains to some extent in all the schools (including the Royal Institute at Paris,) that I visited while abroad, and I heard but one expression of sentiment, and that in approbation of its use, from both teachers and pupils, I would recommend that measures be taken for its introduction into our institution, in so far as it may be found practicable.

It is proper that I should add, that Mr. Vaysse has purchased, at my request, sundry books in relation to the instruction of the deaf and dumb for the library of the Asylum, of which he will present a catalogue and account, and that there is herewith presented an account of the monies advanced by me to and on account of Mr. Vaysse.

All which is respectfully submitted.

JAMES MILNOR.

(No. 6.)

DONATIONS AND SUBSCRIPTIONS IN 1830.

1st. *Donations in Money.*

H. McCracken, life subscription,.....	\$30 00
Robert Thompson, do	30 00
James Lovett, do	30 00
Dr. David Hosack, do	30 00
John H. Williams,	5 00
N. Longworth, of Cincinnati, Ohio,.....	15 00
A friend to the institution,	5 00
Esack C. King,.....	1 00
Jas. McKinney, of Binghamton, Broome co. N. Y.....	1 00
E. W. Stevens,	1 00
Dr. J. S. Paige, of Owego, Tioga co. N. Y.....	1 00
Ronald McDonald, of Quebec, L. C.	5 00
Mr. Belknap, of Newburgh,	1 00
E. Bame, N. York,.....	1 00
Aaron Belknap,.....	5 00
Mr. Laure, \$1.00. Two friends, \$5.00,	6 00
The Hon. C. W. Grant, of Canada,.....	5 00
Thos. G. Rapiet, of Bardstown, Kentucky,.....	2 00
John. J. Smith, of Beaufort, S. Carolina,	1 00
Mrs. Ludlow, N. York,	3 00
Mrs. Hopkins, of Ithaca, Tompkins co. N. Y.....	1 00
Mr. Hitchcock, of Mobile, Alabama,.....	1 00
J. Duplessis, Louisiana,	10 00
Mr. A. Reggio, do	5 00
Miss Jane McE.....	2 00
Peter Embury, Brooklyn, N. Y.....	5 00
E. Merrit, of Pittsburgh, Penn.....	2 00
Four gentlemen from New-Orleans,.....	7 00
P. S. Newton, of N. Orleans, accompanied by Mrs. B. of N. York,	5 00
Mrs. B. of N. York, and a child,.....	1 12
Wm. T. Jones,	3 00
Several small donations,.....	2 50
Total donations in cash,.....	\$212 60

2d. *Donations of Trees, Shrubby, &c. to ornament the grounds
and garden.*

Miss A. Miller, a donation in garden seeds,.....	\$1 00
Mr. Isaac Lawrence, N. Y. forest trees, valued at.....	10 00
Mr. A. S. Pell, N. Y. do do	15 00
Mr. John Fick, 3d Avenue, do do	3 00

Amount carried forward,....

Amount brought forward,....			
Mr. Clarkson, N. Y. forest trees,	valued at.....		\$15 00
M. Dan'l E. Tylee, N. Y. shrubs,	do		3 00
Mr. John Odell, 3d Avenue, trees,	do		3 00
Mr. Job Wright, 5th Avenue, do	do		10 00
Messrs. Kelso & Tice, N. Y. do	do		31 00
Mr. A. Young, N. Y. box, trees and shrub'y,	do		93 50
Mr. James Dobbin, 5th Avenue, do	do		30 00
Mr. Hugh Maxwell, N. Y. box & shrub'y,	do		45 50
Mr. Henry Post, 5th Avenue, do	do		20 00
Mr. G. W. Murray, N. Y. trees & shrub'y,	do		20 00
Dr. John B. Loring, N. Y. shrubbery,	do		2 00
Mr. Wm. Shaw, 5th Avenue, orna'l trees,	do		14 00
Mr. L. Lyman, donation of tulips,	do		1 00
Mr. Peanauget, 5th Avenue, lilacks,	do		5 00
Mr. Cato Alexander, spinach,	do		1 00
Alderman Gideon Lee, flowering shrubs,	do		20 00
Mr. Fuller, 5th Avenue,	do		5 00

Total amount of donations in trees, &c..... \$346 00

3d. Donations in Goods, &c.

Mr. Benedict and others, dry goods and clothing,	\$21 47
Mr. Wm. Shaw, 5th Avenue, work with man and ox-team,	2 50
Dr. Samuel Akerly, a quantity of ashes for garden, and a hat for a man and boy,	3 00
	<u>\$26 97</u>

4th. Donations for the Library and Cabinet.

Mr. John Rogers,	various books,	8 volumes.
John D. Waldron,	do	3 "
Rev. Mr. Eastburn,	do	4 "
Rev. Mr. Stanford,	do	1 "
Samuel Wood and Sons,	do	53 "
Dr. David Hosack,	do	12 "
Wm. E. Dean,	do	7 "
Rev. J. F. Schroeder, prayer books,	25 "	
Wm. Walker, port folio for maps,	1 "	
John W. Hammersly,	31 "	
George Hodgeson,	8 "	
Mr. Chas. Goff,	31 "	
Mr. H. C. Sleight,	1 "	

Added to the library in 1830, 185

\$92 50

Amount carried forward,....

Amount brought forward,....		
Mr. John Slidell, a bust of Washington,		\$5 00
Dr. Saml. L. Mitchill, a sun dial, a number of specimens of minerals, shells, and prints,		15 00
Dr. Samuel Akerly, a thermometer, a large map of the city, and various drawings representing the passions and emotions of the mind,		30 00
Mr. E. Blount, by C. Bolton, several maps,.....		5 00
Editors of the Commercial, their paper,.....		10 00
do Courier and Enquirer, their paper,.....		10 00
do Atlas, (weekly,) their paper,.....		5 00
Total amount of donations for the library and cabinet,..		<u>\$172 50</u>

IN ASSEMBLY,

January 25, 1831.

ANNUAL REPORT

Of Caleb Smith, an Inspector of Lumber for the city
and county of New-York.

To the Honorable the Legislature of the State of New-York.

Caleb Smith, inspector of lumber in and for the city and county of New-York, begs leave, in conformity to the Laws of the state of New-York, to submit herewith, his annual report for the year ending on the 31st day of December 1830.

Feet.

15,345 clear Albany boards, at,	\$30 per M.
26,174 merchantable Albany boards, at,	20 "
18,759 2nd quality " "	15 "
10,617 refuse " "	10 "
17,825 mercht. eastern white pine boards, at ..	\$11 to 14 "
65,926 2nd quality " " " ..	7 to 9 "
20,127 refuse " " " ..	5 to 6 "
23,238 mercht. yellow pine boards and plank, at	23 "
10,886 refuse " " " ..	11½ "
6,220 solid mercht. yellow pine timber, at ...	30 cts per ft.
1,780 " refuse " " ...	15 "
20,345 mercht. yellow pine sheathing boards, at	\$15 75 per M.
15,753 refuse " " " ..	7 50 "
93,548 whitewood boards, at,	\$15 to \$18 "
17,016 mercht. hemlock plank and timber, at .	\$9 "
15,745 refuse " " " .	4½ "
25,752 mercht. cedar boards, at,	\$20 to 22 "
18,067 refuse " "	10 to 11 "

12,229 merch. ash plank, at	20 per M.
10,389 " oak "	15 "
6,378 refuse " "	7½ "
286,316 basswood called box boards, at	\$10 to 12 "
935,917 merch. pine timber, at	10 to 12 "
409,453 refuse " "	5 to 6 "
658,459 merch. spruce timber, at	9 to 11 "
239,457 refuse " "	4½ to 5½ "
49,817 merch. chesnut timber, at	13 to 16 "
33,804 refuse " "	\$6½ to 8 "
5,000 solid curl maple logs, price uncertain.	
610,085 cypress shingles, at	\$2½ to 3½ "

Whole amount of fees received, \$712.25

CALEB SMITH,
Inspector.

New-York, Jan. 1, 1831.

IN ASSEMBLY,

January 25, 1831.

ANNUAL REPORT

Of Henry Howard, an Inspector of Beef and Pork
for the city and county of New-York.

SIR—

I herewith render you an account of the whole number of barrels and half barrels of beef and pork, and the qualities of each, inspected by me during the last year, (from Jan. 1, 1830, to Jan. 1, 1831,) as the law directs.

I also beg leave to request of your excellency a renewal of my commission, should it be found necessary, and I deserving of it.

HENRY HOWARD.

To His Excellency ENOS T. THROOP,
Governor of the State of New-York.

Mess beef,.....	347 bbls. 8 half bbls.
Prime beef,.....	649 “
Cargo “	34 “
Ruffage beef,.....	12 “
Mess pork,	1,228 “
Prime pork,.....	2,141 “
Cargo “	2 “
Thin mess pork,.....	17 “
Soft “	48 “
“ prime pork,.....	111 “
Rusty, sour, &c. &c.	34 “

New-York, Jan. 8, 1831.

[A. No. 97.]

1911年12月1日

1911年12月1日

IN ASSEMBLY,

January 25, 1831.

ANNUAL REPORT

**Of Epaphras Warren, an Inspector of Beef and Pork
for the county of Tompkins.**

To the Honorable the Legislature of the State of New-York.

I, Epaphras Warren, inspector of beef and pork for the county of Tompkins, residing in the village of Ithaca, do

REPORT:—

That during the year ending on the first day of January instant, I have inspected one hundred and thirty-six barrels of mess pork, three hundred and twenty-one of prime, and six barrels cargo; about three-fourths of which was still-fatted, and the remainder corn, all of good quality. Also eight barrels and ten half barrels of mess beef, eleven barrels of prime, and nine of cargo, of good quality. The average value was eleven dollars for mess pork, eight dollars and fifty-cents for prime, six dollars for cargo; eight dollars for mess beef, five for prime and four for cargo. The amount of fees derived from my office during the year was one hundred and twenty-two dollars and seventy-five cents.

All of which is respectfully submitted.

EPAPHRAS WARREN,
Inspector.

Ithaca, Jan. 19, 1831.

IN ASSEMBLY,

January 26, 1831.

ANNUAL REPORT

Of Abraham Dally, an Inspector of Domestic Distilled Spirits in and for the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

A true and just statement of the whole number of casks of domestic spirits inspected in the city of New-York, from 1st Jan. 1830, to the 1st of Jan 1831, viz:

72,768 casks, 6 cents each,	\$4,366 08
2 Deputies, $\frac{1}{4}$ each,	2,183 04

Nett proceeds for A. D.....	\$2,173 04
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ABRAHAM DALLY,
Inspector.

New-York, Jan. 22, 1831.

[A. No. 99.]

IN ASSEMBLY,

January 26, 1831.

ANNUAL REPORT

Of Robert C. Theall, an Inspector of Oil in and for
the city and county of New-York.

Report of oil, gauged and inspected in the city of New-York, from
the 30th day of December 1829, to 31st December 1830.

Month.	Casks oil.	Gallons oil.	Gallons sedm't.	Bbls. bad oil.
1829, December, 30, ..	23	840½	19	
1830, January,	37	1,122	21	
" February,	6	209	6	
" March,	5	126	7½	
" April,	157	4,869½	80	
" May,	174	5,824½	47	30
" June,	104	1,602½	41½	62
" July,	190	5,707	21½	10
" August,	498	15,188½	43	
" September,	417	12,312½	76	
" October,	464	14,485	204½	
" November,	506	15,732	193	44
" December,	277	8,358½	55½	
Total,	2,858	86,376½	815½	146

In presenting the above report to your Excellency, I deem it not
improper to add, that there is considerable expense attendant on
the duties of the office, for labour, tools, &c. It having cost me forty

IN ASSEMBLY,

January 26, 1831.

ANNUAL REPORT

Of Philo Lewis, an Inspector of Beef and Pork for
the city and county of New-York.

An account of provisions inspected by Philo Lewis, in the city
and county of New-York, from 1st month 1st, 1830, to 1st month
1st, 1831.

	Barrels mess pork,.....	3,223
	“ thin side pork,.....	524
	“ prime “	7,413
	“ cargo “	131
	“ soft mess “	47
	“ “ prime “	105
	“ sour mess “	21
	“ “ prime “	57
	“ measly mess pork,	2
	“ “ prime “	9
	“ tainted mess “	1
	“ “ prime “	4
	“ refuse pork,.....	227
Half	“ mess “	31
“	“ thin side pork,	49
“	“ prime “	264
	“ mess beef,	117
	“ prime “	1,609
	“ cargo “	54
	“ refuse, “	49

Total of pork, 11,764 barrels,
 " " 344 half barrels.
 " of beef, 1,889 barrels.

The average sales of pork, in barrels of the above, supposed to amount to,	\$120,581 00
The average sales of pork, in half barrels of the above, supposed to amount to,	2,064 00
The average sales of beef, in barrels of the above, supposed to amount to,	13,223 00
Fees, &c., for inspecting 13,653 barrels, and 344 half barrels amount to,	2,082 35
	<hr/> \$137,950 35

To his Excellency ENOS T. THROOP,
Governor of the State of New-York.

I believe it right to request to be re-appointed as inspector of beef
 and pork, therefore I hope thou wilt favor my appointment.

I am with due respect thy friend,

PHILO LEWIS.

Inspector.

New-York, 1st mo. 1st, 1831.

IN ASSEMBLY,

February 4, 1831.

REPORT

Of the committee on the militia and the public defence, on the message of the Governor and the annual report of the Adjutant-General.

Mr. Myers, from the standing committee on the militia and the public defence, to whom was referred so much of the message of his Excellency the Governor as relates to that subject, and also the annual report of the Adjutant-General,

REPORTED :

That the committee have had both of these subjects under consideration, and have bestowed upon them that attention which their importance demands. The committee agree in sentiment with his Excellency, that large standing armies in time of peace, are burthensome, expensive, and have sometimes been dangerous to Republics ; and that a well organized militia is their best defence against insurrections or a sudden invasion. The committee also concur with his Excellency in the opinion, that the burthen of military duty in time of peace, should be made as light as a state of preparation to meet sudden emergencies will admit of.

In examining this subject in all of its bearings, two modes of lightening the burthens imposed upon the militia, have presented themselves, either of which is well calculated to afford the desired relief. A majority of the committee however are of opinion that the proper time has not arrived to carry either of them into effect. Ours being

a government of laws founded on public opinion, it might be dangerous materially to alter a system so long and so successfully practised, until public opinion shall be more fully developed on the subject. The committee at the same time feel it to be their duty to report the plans, which may probably at some future period be carried into effect, without the hazard of deranging the whole system, or of destroying this arm of the public defence.

The first plan proposed is, to form the infantry of the state into two classes. The first class to be composed of all free white male citizens, not enrolled in any uniform corps, and who are subject to military duty, from eighteen to thirty years of age. The second class, those from thirty to forty-five years of age; both classes to be enrolled as at present, but the second class to be marked as such on the muster rolls, and to be exempt from military duty in time of peace, but subject to be called out in case of insurrection, invasion or war.

The committee are aware that the above could not be carried into effect, without an amendment of the law of the United States now in force, passed May the 8th, 1792, which requires the parade of all the militia once in each year.

The second plan of relief is, that the whole body of the militia of the state, as now enrolled, should parade by regiments for inspection, on a day specified, and at no other times except in cases of insurrection, invasion or war. This would accord with the requisition of the law of the United States on the subject, and relieve from the additional parades required by the laws of this state.

From the Adjutant-General's return it appears that the volunteer uniformed corps of the militia are numerous, amounting to about seventy thousand. This of itself presents an efficient force, perhaps equal to any emergency that can happen. These volunteer corps may be properly considered the National Guards, and are composed principally of the most active and efficient men of the country, full of patriotism and military spirit, well armed and equipped, and with but little practice would become a well disciplined army, and equal to any troops in this or any other country. With such a force at all times ready for service at a moment's warning, it may be considered that this state would always be prepared for defence, even without the aid of the additional ununiformed militia, which numbers one hundred and thirty thousand.

The committee have examined the militia law, and are of the opinion that but few amendments are required at the present time. They are unanimously of opinion that the infantry in the city and county of New-York should be relieved from one parade, and should only be subject to parade once in each year by companies, and once by regiments for inspection, as is the case in every other part of the state; and that the officers should be relieved from four of the eight parades for drill, which by the present laws they are bound to attend. No particular reason suggests itself to the committee, for compelling the militia of that particular county to do the additional duty now required.

The committee have not been able to discover the necessity of exempting the students of colleges and academies from the performance of militia duty, if over eighteen years of age, any more than apprentices and other minors: on the contrary, they are induced to believe that there are reasons why they should do military duty, as the relaxation from their close studies, and their exercise with the musket two days in each year, would tend to promote vigor and health; and that there is no time of life more proper for the cultivation of military science, and no situation in which its study is more pleasant.

The committee recommend the repeal of the sixth section of title one, tenth chapter of the first part of the Revised Statutes, as they cannot discover any good reason why persons employed by the year, month or season, in a furnace, iron foundry, glass, wool-len or cotton factory, should be more entitled to exemption from military duty than other mechanics who are not so employed, but who have to seek business and live by their daily labor. If it should be urged, that those now exempted cannot be spared from their work without stopping the establishment in their absence, it may be answered that the same reasons will apply in other cases; and the ability to pay fines is certainly on the side of those who have constant employment in these establishments.

The committee are unanimously of opinion, that the clerks employed by the year in all of the post-offices in the State, should be exempted from the performance of military duty. The law of the United States exempts all ferrymen, stage-drivers, and persons engaged in carrying the mails; and it is equally important that those engaged in the distribution and delivery of the mails, should not be

subject to interruption. It often happens that several thousand ship letters are received in a day, at the post-office in New-York, in addition to the ordinary mails. The clerks employed, must at all times be present, to expedite the delivery and sending off of such letters and papers by the mails, to every portion of this State and of the United States. The persons employed are generally married men, at low salaries, who are unable to pay their fines, and the post-master has no interest in paying for them.

The committee have directed their chairman to prepare a bill, embracing the matters contained in this report, and which are proposed to be acted upon, which he now asks leave to introduce.

IN ASSEMBLY,

February 4, 1831.

REPORT

Of the committee to whom was referred the Memorial of the Ship Masters and others, in the city of New-York.

Mr. Crippen, from the committee on so much of the Governor's Message, as relates to the House of Refuge and Marine Hospital, to whom was referred the petition of the ship masters, mariners and citizens of the city of New-York,

RESPECTFULLY REPORTS :

That the petitioners complain, and ask relief, from the existing laws of this state, imposing upon mariners arriving at the port of New-York, a direct tax, amounting, in the aggregate, to more than \$15,000 annually ; and which sum of money, it is alleged, is not appropriated to the exclusive use and benefit of the mariners and seamen, as, in justice, it should be. It appears to your committee, from the various acts of the Legislature upon this subject, that the original design of the tax imposed upon mariners, was for the purpose of creating a fund to protect the city of New-York against infectious and pestilential diseases ; and also to create a fund for the benefit of mariners and seamen.

It also appears to your committee, that a large amount of the income produced by the tax on seamen and passengers, has been diverted from its proper and legitimate object, and appropriated to the support of the House of Refuge for Juvenile delinquents ; and by a

[A. No. 104.]

law, passed at the last session of the Legislature of this state, eight thousand dollars annually, of this money, is directed to be paid by the commissioners of health, to the house of refuge.

The memorialists complain of the injustice of the laws which have, in effect, legislatively connected the mariner with this criminal institution, and ask the enactment of a law which will confer the benefit arising from the money which they are thus compelled to pay, to the common use of ship masters and mariners. Your committee are well aware of the importance of the house of refuge, and unwilling to do an act which shall, in the remotest degree, take from that institution any support that ought, upon principles of justice or equity, be granted or continued to it.

Yet your committee are equally impressed with the importance of the mariner and seaman, to the protection of our liberties, and the prosperity of our commerce; and they have been unable to discover any sufficient reason why the sailor or mariner should be compelled to pay a specific and personal tax for the support of the house of refuge. The committee do not feel disposed to admit that any affinity exists between this institution and the seamen of our country, and are therefore unanimously of opinion, that no part of the direct tax imposed upon them, by the laws of this state, ought to be appropriated to this institution.

Your committee are also informed, that the marine hospital at Staten-Island, is closed during seven months in each year, and when the same is not closed, none are admitted except the sick. The result is, that at no season of the year has the old, the poor, and worn out mariner, who is destitute of the common comforts of life, a friend or a home; although he has paid at least seven per cent upon his earnings during his whole life, which has gone into the hospital fund.

Your committee, impressed with the justice of the appeal contained in the memorial of your petitioners, have come to the unanimous conclusion, that the tax imposed by the laws of this state on seamen and mariners, arriving at the port of New-York, ought to be so appropriated, as to confer the whole benefits arising therefrom, to the common use of ship masters and mariners, who, in the language of your memorialists, "have fallen victims to their ha-

ardous and arduous profession, whereby they have been rendered sickly, infirm or decrepit, so that in the days of adversity, they may enjoy at least the common comforts of life."

And for that purpose your committee have directed their chairman to ask leave to introduce a bill.

IN ASSEMBLY,

February 5, 1831.

REPORT

Of the committee on the erection and division of towns and counties, relative to the erection of a new county from parts of Genesee and Allegany.

The committee on the erection and division of towns and counties,
REPORTED—

That it has had under consideration several applications for the formation of a new county from parts of Genesee and Allegany, and after having carefully examined the merits of the several applications, and the geographical situation of the two counties, and especially the territory proposed to be embraced in a new county, has ascertained that the county of Genesee extends north and south about thirty-eight miles, while it is but twenty-six miles east and west.

That the county of Allegany is about forty-two miles north and south, while it is but thirty east and west; and that the towns forming the south part of the county of Genesee, and the north part of the county of Allegany, have but little business intercourse with the interior of either of those counties, except such as arises from necessity, owing to their present connection with them; and that the erection of a new county from those towns would naturally create a business centre, better calculated to draw out their resources and to elicit laudable enterprise, than could be expected from their present situation. That it appears from the best information which your committee can obtain, that the citizens of both counties do now, and for some time past have anticipated the formation of a new county, and that applications have heretofore been made to the legislature,

for that purpose, and that in one instance a favorable report was made by the appropriate committee, to which the application was referred, and a bill was reported and passed through one branch of the legislature.

Your committee having assumed that at no distant period, a new county would by common consent be formed, think it expedient to recommend its erection at this time, that the petitioners may be relieved from the burthen of repeated applications, and the legislature from further solicitation. Connected with this subject, is an application now depending before this house, by the citizens of Genesee, supported by the board of supervisors of that county, to enable them to raise money to build a new jail, the present one being in a dilapidated state. That portion of the citizens resident upon the territory which your committee supposes would naturally fall within the proposed new county, ought not to be subjected to taxation for the building of the jail, upon the supposition that they are also to be taxed to erect the county buildings, in case a new county should be formed at no distant period.

These considerations induce your committee to recommend at this time the erection of a new county, to consist of the towns of Perry, Castile, Gainesville, Wethersfield and China, in the county of Genesee, and of the towns of Eagle, Pike, Portage, Nunda, Centreville, Hume and Grove, in the county of Allegany, all of which could be conveniently spared from those counties, without diminishing their consequence or infringing any legal or constitutional provision, so far as your committee are informed. That part of the territory taken from Genesee county would be about equal to 240 square miles, with a population numbering, at the time of taking the state census in 1825, 7,751; and that part of the territory taken from the county of Allegany, would be equal to about 288 square miles, with a population at the same time numbering 7,153, including a fragment of the town of Nunda, which since that time has been formed into a new town, but which in no great degree alters the amount of population, making in the whole 588 square miles, and a population with the above qualification, of 15,904, at the time above mentioned.

- The remaining population of Genesee by the census of 1825, will be 34,497, exclusive of the town of Alabama, which, at the time of taking that census, was attached to a town in the county of Orleans,

but which now has a population of 819 : and the remaining population of the county of Allegany by the same census, will be 11,814, exclusive of the town of Burns, which was taken from the town of Nunda since the enumeration of 1825, the supposed population of which, at that time, when added to the number of 11,814, will increase the population of Allegany, after taking from it the territory proposed, to more than 12,000. The population of Genesee, as it is proposed to be left, according to the late United States census, will be over 40,000, and the population of Allegany, in like manner, will be nearly 17,000.

Your committee, therefore, ask leave to introduce a bill for the formation of a new county from parts of Genesee and Allegany, comprising the territory herein before mentioned.

IN ASSEMBLY,

February 5, 1831.

REPORT

Of the committee on the erection and division of towns and counties, on the subject of raising money for building a jail in the village of Batavia.

The committee on the erection and division of towns and counties, to whom was referred sundry petitions and memorials of the inhabitants of Genesee, praying for an act to authorise the supervisors of said county to raise money to build a new jail at Batavia in said county, and for the appointment of commissioners to locate a new site for the public buildings of said county, and to whom also was referred the report of a select committee appointed by this House upon the same subject,

REPORT:

That they have duly considered the whole matter, and have heard from the several agents representing the different interests, the facts and arguments in favor of each.

It is evident that the present jail of Genesee county is in a dilapidated state, and unsafe for the confinement of prisoners, and cannot be repaired so as to render it secure or convenient. The necessity of erecting a new jail, has induced various applications to remove the county buildings; and several sites appear to have been selected, by various individuals having distinct interests, at which to remove them, in case a removal should be determined upon. But your committee has become fully satisfied that each of the applicants for a removal would prefer that the county buildings should remain as at present they are, rather than that they should be removed to any particular place distinct from that in which they are severally

[A. No. 106.]

interested. This consideration has led the committee to conclude that there does not exist any real necessity for the removal of the county buildings, although they are now located north of the geographical centre of the county.

The location of roads and the current of business, from the best information of which the committee could avail themselves, seem to designate the village of Batavia as the most appropriate place for the county site; and especially so with reference to the probability that the southern part of the county will be cut off, and form a part of a new county. In this event, the county buildings, as now located, would be nearly central, and entirely commodious for the whole county. Besides, it appears that a part of the buildings are valuable, and in good condition, and that the county would sustain considerable loss by a removal.

The committee concur generally in the report of the select committee to whom this subject has been referred, and who have reported thereon. The application for raising money to build a new jail, is supported by a resolution of the board of supervisors of the county, and no doubt can be entertained of the necessity of adopting that measure. Your committee, therefore, ask leave to introduce a bill for that purpose.

IN ASSEMBLY,

January 28, 1831.

REPORT

Of the committee on the erection and division of towns and counties, on the petition of sundry inhabitants of the town of Pembroke, in the county of Genesee.

Mr. Remer, from the committee on the erection and division of towns and counties, to whom was referred the petition of sundry inhabitants of the town of Pembroke, in the county of Genesee, praying for a division of said town,

REPORTED :

The petitioners state that, at the last annual town-meeting, a vote was taken by the electors of said town on the question of said division, and carried in the affirmative by a majority of sixty votes.

The committee have ascertained that the notice necessary for a division has not been given agreeably to the Revised Statutes. The committee are therefore of opinion that the prayer of the petitioners ought not to be granted, and the petitioners have leave to withdraw their petition.

by the same person who has been
the only one to see the
man in the room.

IN ASSEMBLY,

January 27, 1831.

ANNUAL REPORT

Of Hiram Scofield, an Inspector of Fish for the city
and county of New-York.

To the Honorable the Legislature of the State of New-York.

Agreeable to an act of the Legislature of this state to provide for
the inspection of fish, the undersigned would

RESPECTFULLY REPORT :

That since January 1st, 1830, to January 1st, 1831, inclusive, he
has, according to said law, inspected the following fish, viz :

29 barrels No. 1 mackerel, at	12½ cts.,.....	\$3 62½
198 " No. 2 	12½ " 	24 75
1,135 " No. 3 	12½ " 	141 87½
267 half barrels shad at,....	12½ cts.,.....	33 37½
20 " " repacked, at	19 cts.,.....	3 80
24 barrels codfish, 	37½ cts.,.....	9 00
643 " herring dry salted, at.....	12½ " 	80 37½
		<hr/>
		\$296 80
Deduct for labor hire and other expenses,		98 76
		<hr/>
		\$198 04
		<hr/>

All which is respectfully submitted.

HIRAM SCOFIELD,
Inspector.

New-York, Jan. 24, 1831.

[A. No. 108.]

IN ASSEMBLY,

January 27, 1831.

ANNUAL REPORT

Of George W. Gunn, an Inspector of Beef and Pork
for the county of Cayuga.

To the Honorable the Legislature of the State of New-York.

In conformity to the Revised Statutes, chapter 17th, title 2nd,
article 12th and section 185, I, George W. Gunn, inspector of beef
and pork for the county of Cayuga,

RESPECTFULLY REPORT :

That I have the year ending on the first day of January 1831, in-
spected 740 bbls. of pork and 168 bbls. of beef. Total 908 bbls. viz:

258 barrels mess pork,.....	worth \$10 per bbl.	\$2,580 00
30 " thin mess pork,.....	" 9 "	270 00
452 " prime pork,.....	" 8 "	3,616 00
86 " mess beef,.....	" 6½ "	559 00
82 " prime beef,	" 4½ "	369 00
		<hr/>
		\$7,394 00

Fees,..... \$108 00

I would beg leave to suggest to the consideration of your honor-
able body, the propriety of making some provision for the disposal
of hams, in prime pork.—As the law now is, a barrel of prime pork
must consist of not more than three shoulders, nor more than 24 lbs.
of heads, and the rest to be made up of side, neck and tail pieces—ma-

king no provision for the packing of hams in prime pork. It is a universal practice in this section of the country, and, I believe, throughout the state, for inspectors to put into a barrel of prime pork, three hams, the letter of the law to the contrary notwithstanding.

GEORGE W. GUNN,
Inspector.

Genoa, Cayuga Co. January 24th, 1831.

IN ASSEMBLY,

January 27, 1831.

ANNUAL REPORT

Of A. Dennistoun, an Inspector of Lumber for the
city and county of New-York.

To the Honorable the Legislature of the State of New-York.

The subscriber, an inspector of lumber for the city and county of New-York, respectfully submits the following report. Inspected and measured by him, during the year 1830,

Feet.			
349,120	mercht. sawed timber,.....	average value per M.	\$10 50
122,399	2nd " "	" "	5 25
64,188	mercht. eastern boards,	" "	12 50
71,723	refuse " "	" "	6 25
283,718	mercht. Albany boards and plank,.....	" "	12 50
6,521	refuse Albany boards & plank	" "	6 25
47,232	mercht. southern yellow pine boards and plank,	" "	21 00
21,349	2nd southern yellow pine boards and plank,	" "	10 50
9,204	mercht. thin siding,	" "	11 00
867	refuse "	" "	5 50
109	mercht. cubic locust timber, per foot		75
48	refuse " " "		37½
3,158	hemlock scantling,.....	average value per M.	11 00
35,354	whitewood boards,.....	" "	11 00
21,791	mercht. ash plank,.....	" "	17 00
4,832	refuse "	" "	8 50
1,865	black walnut,	" "	20 00

Fest.				
3,429 cherry boards and plank, . . . average value per M.	\$15	00		
1,127 merch. hardwood joists, maple,	"	"	13	00
421 refuse " "	"	"	6	50
84 mercht. cedar boards,	"	"	9	00
376 refuse "	"	"	4	50
4,512 mercht. oak scantling,	"	"	11	00
3,492 refuse "	"	"	5	50
1,158 clear pine boards and plank,	"	"	25	00
123,570 mercht. cypress shingles, . . .	"	"	3	00
42,100 culls " " . . .	"	"	62½	

Amount of fees, \$406 88

A. DENNISTOUN,
Inspector.

New-York, 24th Jan. 1831.

IN ASSEMBLY,

January 27, 1831.

ANNUAL REPORT

**Of George Seaman, an Inspector of Pot and Pearl
Ashes for the city and county of New-York.**

To the Honorable the Legislature of the State of New-York.

Report of pot and pearl ashes inspected in the county of New-York, from the 11th day of Feb. 1830, up to the 1st, day of Jan. 1831, pursuant to the 185th section of the 27th chapter of the Revised Statutes of the state of New-York; the average price of which, and the probable value thereof, as near as I have been able to ascertain the same, is set opposite to the respective qualities and quantities hereinafter mentioned and expressed.

[A. No. 111.]

1

First	ds, probable value,	\$541,242 18
2nd	" "	88,266 07
3d	" "	11,241 44
Con	" "	1,308 10
First	" "	189,145 48
2nd	" "	22,439 37
3d	" "	2,492 15
Con	" "	86 88

ue,	856,221 67
r 100 lbs. prob. val.	3,202 20

Total thereof, \$859,423 87

Amemploy five, and at times six assist-
Emeight, and at times twelve coopers,
wended in and about the business,
da

.....	\$2,938 75
d laborers,.....	5,984 54
spectors and clerks,	3,660 00
ses,	1,091 94

\$13,675 23

I e the quantity of the above named
artith various improper substances.

s for the county of New-York.

N

IN ASSEMBLY,

January 28, 1831.

REPORT

**Of the committee on grievances, on the petition of
Elisha Bebee and Nathaniel Tower.**

Mr. Birdsall, from the committee on grievances, to whom was referred the petition of Elisha Bebee and Nathaniel Tower,

REPORTED :

The petitioners represent that they owned separate parcels, one ten and the other forty-eight and an half acres of lot No. 8, in the town of Lenox, north of the two mile strip.

That in an advertisement by the Attorney-General, dated Oct. 27, 1829, the said lot No. 8, was advertised to be sold on mortgages to the State, excepting, as the petitioners then understood and now understand the advertisement of sale, the parcels of the lot above mentioned belonging to them; that those parcels, however, were sold under the advertisement aforesaid, together with the buildings and improvements on them, embracing nearly all the property they possess; and they pray for such relief as the Legislature may think proper to grant.

Your committee have no reason to doubt, in any particular, the foregoing representations of the petitioners, and deeply regret the hardship of the case they present; but your committee have learned from the Attorney-General, to whom they referred themselves for information, that the sale of the lands in question has been perfected; that the time allowed by law, after the sale, for redemption, having expired, the purchaser applied for his conveyance and received it. It is impossible therefore, if the sale was regular, for the

petitioners to be reinvested with the title of their lands : and if indeed the notice of sale was sufficient, its erroneous construction by them, and the consequent loss of their property, though it may, and certainly does furnish a claim upon our sympathies, cannot establish a right in the petitioners to ask remuneration from the government. If the notice of sale was defective, and especially, if, as the petitioners understood the advertisement, their lands were excepted, it is unnecessary to say the title remains in them, and their possessions are safe against the claim of the purchaser.

Your committee therefore submit that the case is one which refers itself exclusively to the tribunals of justice and not to the Legislature. They have accordingly instructed their chairman to offer the following resolution :

Resolved, That the committee be discharged from the further consideration of the petition.

IN ASSEMBLY,

January 28, 1831.

REPORT

**Of the committee on trade and manufactures, on the
Bill relative to the inspection of lumber at Gibbons-
ville and West-Troy.**

Mr. Bogert, from the committee on trade and manufactures, to which was referred the bill entitled "An act relative to the inspection of lumber at Gibbonsville and West-Troy, in the county of Albany,"

REPORTED—

By a clause in the Revised Statutes, (vol. 1, p. 556,) it is provided that the inspectors of lumber for the city of Troy, may inspect in West-Troy and Gibbonsville, in the county of Albany, and the inspectors in the city of Albany may perform the same duties in Bath and Greenbush, in the county of Rensselaer.

The bill now under consideration proposes to repeal so much of the Revised Statutes as permits the inspectors of lumber for the city of Troy to inspect in West-Troy and Gibbonsville.

The committee can see no good reason for interfering with the law upon this subject. Although large quantities of lumber are stored on the west side of the river, it is generally owned by merchants and others residing and doing business in the city of Troy. The lumber dealers of Troy unanimously remonstrate against the passage of the bill, and a remonstrance from sundry inhabitants of West-Troy and Gibbonsville, is also before the committee.

The effect of the bill referred to the committee, would be, if passed into a law, to benefit the inspector of lumber at West-Troy, but not, as the committee conceive, the buyers and sellers of lumber.

The committee recommend the rejection of the bill.

IN ASSEMBLY,

January 29, 1831.

REPORT

Of the committee on claims on the petition of Daniel Boardman.

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of Daniel Boardman, of the city of New-York,

REPORTED;

The petitioner alleges that in 1816, he became the purchaser of five hundred and fifty acres of land, in lot number ten, in the town of Junius. The land had been granted by this state to Hosea McFarland, and the title of the petitioner depended upon a deed of Anna McFarland, styling herself widow, heir and administratrix of Hosea McFarland. In 1820 proceedings were had to recover the land as having escheated to the state, and a default against the tenant was entered and judgment perfected. The petitioner was apprised of these proceedings at the time, by the Attorney-General, but did not take any measures to assert his rights. In 1828 the land was sold by the Surveyor-General, and the petitioner now asks to have the taxes which he paid on the land refunded to him with interest; and also that he be paid the value of the land.

Your committee can not perceive the least color for this claim. The petitioner grossly neglected to assert his claim to the premises, when he had abundant opportunity to do so, and chose to remain silent for six years, during which time the state sold the land. Great doubt is entertained whether the petitioner ever had a valid title; upon his own showing, it was invalid, for as a widow is not the heir of her husband, Anna McFarland had no right to convey the premises; and if they were sold by her as administratrix, it must

[A. No. 115.]

have been under the special authority of a court of probates, which is not alleged in the petition. On both grounds, therefore, of a want of title, in the petitioner, and if he had any title, his neglect to assert it at the proper time and before the proper tribunals, where it could be investigated, your committee are of the opinion that the petitioner has no claim whatever to the value of the land, or any part of it.

With respect to the claim for taxes to be refunded to him, which he had paid on land to which his title happened to fail, it would be unprecedented and extremely dangerous to sanction it. The principle would be applicable to every person who had paid taxes on land to which he had no title, and if once admitted, would open the door to claims of incalculable number and extent, and would enable those whose speculations in land had been unfortunate, to find an indemnity for a portion of their losses in the state treasury. The payment of taxes on land is entirely voluntary, and he who makes it can never complain, if his title should not be as good as he supposes.— For the tax being a specific lien on the land itself, the state is secure, and a voluntary payment by an individual, only deprives it of an effectual remedy which it has in its own hands.

Your committee recommend to the House, the adoption of the following resolution :

Resolved, That the prayer of the petition of Daniel Boardman be denied.

IN ASSEMBLY,

January 29, 1831.

REPORT

Of the committee on privileges and elections on the memorial of the mayor, aldermen and commonalty of the city of Albany, relative to inspectors of charter elections.

Mr. Van Buren, from the committee on privileges and elections, to whom was referred the memorial of the mayor, aldermen and commonalty of the city of Albany, praying for the passage of a law authorising the appointment of three inspectors of elections, to preside at the charter election of said city,

REPORTED—

That the said petitioners represent, that under the existing law, the aldermen of that city are the inspectors of the election of aldermen and assistant aldermen, in their respective wards: That frequently they are under the necessity of presiding at the poll when they themselves are candidates for re-election: That this is sometimes the cause of hard feelings among the electors, and it is a duty which is at all times unpleasant to the person called upon to preside under such circumstances. Your committee are therefore of opinion that the elective franchise should not only be free and unrestrained, and its exercise promoted and encouraged, but that the purity of our elections should be guarded with a jealous eye, and the presiding officers should not only be honest and upright, but should be placed beyond the imputation of interest or even the suspicion of partiality.

The committee think that the petition of the memorialists is reasonable and just; and your committee have therefore prepared a bill in accordance with its prayer, and instructed their chairman to ask leave to introduce the same.

old man, who had been
after a long time, had
at last found the old man.

He had been looking for
him for a long time, and
at last he had found him.

He had been looking for
him for a long time, and
at last he had found him.

He had been looking for
him for a long time, and
at last he had found him.

IN ASSEMBLY,

January 29, 1831.

REPORT

Of the select committee to whom was referred the petition of Joel Hendricks, for a law authorising the Commissioners of the Land-Office to convey to him a certain lot of land, in the county of Chenango.

Mr. Willcox, from the select committee, to whom was referred the petition of Joel Hendricks, praying for a law authorising the Commissioners of the Land-Office to convey to him a certain lot of land,

REPORTED—

That in September, 1815, William Barstow, of the county of Chenango, contracted with the Surveyor-General for the purchase of subdivision No. 6, of the literature lot, in Fayette, (now Guilford,) in said county, on which contract Barstow paid part of the purchase money, and gave his bond to the state for the residue.

By virtue of an act concerning this township, passed February 4, 1822, John Savage, Esq. then Comptroller, on the 7th of February, 1822, assigned said bond to the trustees of Oxford academy.

On the 2d day of June, 1828, the said William Barstow having died, Allen Barstow, his administrator, for the consideration of \$300, paid to him as such administrator, assigned to Cyrus Strong, "all the right, title, interest, property, claim and demand that the said William Barstow, deceased, had in his life time" to the contract.—On the 27th of April, 1829, Cyrus Strong assigned all his interest
[A. No. 117.]

in the contract, to the petitioner, and the petitioner on the 24th of December, 1830, paid up the bond in full to the trustees of the Oxford academy, and took from them, under their corporate seal, a release in full, and a certificate that he was entitled to the patent for the land.

The petitioner having paid up and discharged the bond, and having paid for the assignment to him, supposed he had a perfect right to demand the patent for the land.

He accordingly applied therefor to the Commissioners of the Land-Office, but it was refused to him, because that it did not appear to them that Allen Barstow, the administrator, had ever been authorised by the surrogate or otherwise, to sell the real estate of the deceased William Barstow, and he now applies to the legislature for authority to the Commissioners to convey to him.

It appears that the administrator and his grantee, believed this contract to be personal assets, over which the administrator as such, had control, and which he could sell as other personal property of the deceased. He therefore did sell, and received in his representative capacity, the full value of the land.

Under these circumstances, there can be no doubt that the purchaser ought to have the full benefit of his purchase, unless creditors or heirs of the deceased William Barstow, should be thereby injured. It does not appear to your committee, that such injury could happen in this case. But it does appear that William Barstow did not die insolvent; that a part of the purchase money received by the administrator, was appropriated for the payment of the intestate's debts, and the residue was in his hands for distribution among the heirs.

Those heirs have thus, in both respects, received the benefit of the full value of their interest in these lands, and they ought not in justice, to object to the conveyance asked for. The state has parted with all its claim, and has received a just compensation therefor. The beneficial interest is in the petitioner, and your committee are of opinion that his title ought to be confirmed and made good.

They have therefore prepared a bill in conformity to the prayer of the petitioner, and have directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

January 29, 1831.

ANNUAL REPORT

**Of the Superintendent and the Inspector of the
Onondaga Salt Springs.**

Albany, January 25, 1831.

SIR—

The Superintendent and the Inspector of the Onondaga Salt Springs, have the honor to transmit herewith their annual report.

And are very respectfully,

Your humble servants,

W. KIRKPATRICK, *Superintendent.*

JOHN GRINNELL, *Inspector.*

The Hon. GEORGE R. DAVIS,

Speaker of the Assembly.

REPORT.

TO THE HONOURABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

The Superintendent and Inspector of the Onondaga Salt Springs respectfully submit the following report.

The amount of salt inspected in the town of Salina, in the year 1829, was..... bushels, 1,291,820
And there has been inspected in the year 1830, 1,435,446

The number of the manufactories as stated in our report of the last year, has been increased by the addition of a few only, but those of excellent structure.

The unfortunate result of two expensive attempts, of a late engineer of the salt works, to procure a better brine, by sinking shafts at the village of Salina, had prevented any further efforts of the kind, at that place, till the last summer, when an experiment of boring in a cast iron tube of twelve inches diameter, in sections of three and a half feet, strongly clamp'd together, proved entirely successful. At the depth of about sixty feet, a brine was found, of from twenty-five to thirty per cent. greater strength than that of the well from which the salt works at the village of Salina have hitherto principally drawn their supply. Six of these perforations have been made to the same depth, and with the same result, from which it is believed from twenty-five to thirty thousand gallons of brine an hour may be drawn by moderate pumping.

The successful issue of this experiment, has had the effect of depreciating the value of a salt well at Greenpoint, with the machinery for elevating the brine, which had been purchased of the individual who constructed them, and also of the additional machinery which has since been erected for that purpose. This, which at the time, was considered a very valuable acquisition as being a brine of better quality

than any which had then been obtained, is now, by the discovery of that which is still stronger, and also more easily and cheaply supplied to the manufacturers, rendered of little value.

All which is respectfully submitted.

W. KIRKPATRICK, *Superintendent.*

J. GRINNELL, *Inspector.*

Salina, January 15, 1831.

IN ASSEMBLY,

February 8, 1831.

REPORT

Of the select committee on the petition of the supervisors of the county of Franklin for an act requiring the payment of certain moneys claimed of the county of Clinton.

The select committee to whom was referred the petition of the supervisors of the county of Franklin, praying for the passage of an act requiring the treasurer of the county of Clinton to pay to the treasurer of the county of Franklin certain moneys therein claimed,

RESPECTFULLY REPORT :

That they have had the same under consideration, and find the facts set forth in the petition to be true. A letter from the Comptroller of this state, also a resolution of the board of supervisors of the county of Clinton, (to whom the subject has been referred by your committee,) passed January 25, 1831, goes fully and positively to establish the justice of the claim of your petitioners to the sum of \$323.28.

It appears by the letter of the Comptroller, that the whole of township No. 9, Old Military Tract, consisting of 64,000 acres of land, was returned to the office of the Comptroller charged with taxes in the years 1804 and 1805; that in the year 1815, the taxes remaining unpaid, the tract was advertised to be sold for those taxes. On the 7th day of November of that year, 2,800 acres of said township No. 9 was sold to Elisha Williams, for the sum of \$238.46, that being the amount due for taxes, interest and costs; and after

[A. No 119.]

the expiration of the time for redemption, the tract was deeded to Williams.

Afterwards, on the 20th day of April, 1827, it was discovered that this land was the property of the state, at the time the taxes were assessed, and at the time of the sale, and that the sale to Williams was therefore void. The claim of Williams had before that time been transferred to Peter Smith, and on the day last above mentioned, the sale was cancelled, pursuant to section 91, title 3, chap. 13, part 1, of the Revised Statutes. The purchase money and interest thereon at 7 per cent, from the time of the sale to the time of refunding the money, was paid to Mr. Smith; and the sum paid to him, together with interest thereon from the 20th April, 1827, to the 1st February, 1828, at the rate of 7 per cent, was charged to the county of Franklin, pursuant to the same section of the Revised Statutes.

✓ This charge was made to the county of Franklin, because it must, by law, be made to the county in which the lands lie, and these lands, though they were in the county of Clinton in 1804 and 1805, when they were assessed, were in the county of Franklin after the 11th of March, 1808, by virtue of the act erecting that county; the sale, therefore, which was made in 1815, was in the county of Franklin, and the charge could be made to no other county. Still the amount of the original tax must undoubtedly have been passed to the credit of the treasurer of the county of Clinton, in the settlement of his account for each of the years in which the tax was returned, as he then represented the whole territory which subsequently constituted both counties.

The amount charged by the Comptroller, to the county of Franklin, on the 1st day of February, 1828, is found to be \$483.08, all of which your petitioners have prayed to have refunded; but your committee believed that the granting the whole amount claimed by the petitioners would operate unequally on the county of Clinton, they therefore delayed their report until they could obtain the assessment of Clinton county for the years 1804 and 1805. A summary of that assessment has been furnished by the board of supervisors of that county; that board has expressed their willingness to be charged with such proportion of the above mentioned sum as shall be based on the assessment of the county in 1804 and 1805. That proportion your committee has found to be \$267.18, to which

your committee feel themselves compelled to add the legal interest, to the 1st day of February, 1831, making the sum of \$323.28 ; the payment of which sum, with the interest from the 31st day of January, 1831, until paid, is justly due from the county of Clinton to the county of Franklin.

Your committee, therefore, think that the prayer of the petitioners ought to be granted. They have prepared a bill accordingly, and instructed their chairman to ask leave to introduce the same.

the first of these is the fact that the first of the three
 is the only one which is not a part of the second
 and the third. The second and third are parts of the
 first, and the first is a part of the second and third.

The second of these is the fact that the first of the three
 is the only one which is not a part of the second
 and the third. The second and third are parts of the
 first, and the first is a part of the second and third.

No. 120.

IN ASSEMBLY,

February 1, 1831.

REPORT

Of the select Committee on the Memorial of the President, Directors and First Company of the Great Western Turnpike Road.

The select committee, to whom was referred the petition of the President, Directors and First Company of the great western turnpike road,

RESPECTFULLY REPORTS :

That the petitioners represent that they have been erroneously assessed in the first ward of the city of Albany, to pay a tax of \$776.24 on their capital stock, and pray for the passage of a law directing the collector of the said ward, to omit the collection of the tax so assessed, and to return the amount thereof as a debt due against the said ward.

It has been satisfactorily shown to your committee, that the nett annual income of the road of the said company, during the last year, does not exceed five per centum of their capital stock, paid in or secured to be paid in.

The said company were therefore, by the 12th section of the 4th title of the first part of the Revised Statutes, exempted from taxation during the last year. But it is required by the 13th section of the same title, of the Revised Statutes, that to be relieved from taxation under such circumstances, the president, directors, or some two officers of the company, shall make affidavit stating the capital stock paid in and secured to be paid in, together with the income and profits, and the total expenditures, during the preceding year, of such

company, and that such affidavit shall be delivered to the assessors of the town, at the time of making their assessments.

It also is made the duty of every such corporation, by the 2d and 3d sections of the same title of the Revised Statutes, to deliver to the Comptroller, on or before the first day of July, in each year, a statement, certified under the oath of some proper officer of the corporation, specifying the real estate owned by such company, the amount of the capital stock actually paid in or secured to be paid in, and the place in which the financial business of such company is transacted.

Your committee have been furnished with full and satisfactory evidence, that the certified statement and also the affidavit required by the Revised Statutes, were duly prepared by the proper officers of the said company, and herewith present to the House, duplicate originals thereof, with an affidavit of the treasurer of the said company.

Your committee further report, that the principal office at which the financial concerns of the said company has been transacted, is now and has for many years immediately preceding the first day of July last, been situated in the first ward of the city of Albany, and that by the mistake or inadvertence of the treasurer of the said company, (upon whom devolved the duty of making the said returns required by law for the last year,) the affidavit required by the 13th section of the said title was delivered by him to the Comptroller of the state, instead of the assessors of the first ward of the city of Albany; and by the same mistake or inadvertence of the said treasurer, the certificate required by the 2d and 3d sections of the same title, was delivered by him to the assessors of the said ward instead of the Comptroller of the state.

Your committee are therefore of the opinion that the petitioners are entitled to legislative relief from the effects of the error, in the said assessment, and have directed their chairman to recommend the same to the House, and to ask leave to introduce a bill in accordance with the prayer of the petitioners.

Respectfully submitted,

PETER GANSEVOORT,

Chairman.

IN ASSEMBLY,

February 3, 1831.

COMMUNICATION

From Henry Seymour, one of the Canal Commissioners.

Albany, Feb. 2, 1831.

To the Hon. the Speaker of the Assembly.

SIR—

Having noticed in the memorial of Lyman A. Spalding, denials and contradictions of several material statements made by the Canal Commissioners in relation to the use of the surplus water at Lockport, and communicated to the Legislature in their last annual report, the undersigned respectfully requests the Honorable the Assembly to authorise the committee to whom the said memorial has been referred, to send for persons and papers, and to examine witnesses under oath, to the end that all the facts and circumstances relating to this matter may be established by competent and legal evidence; and that the mis-statements of the memorialist, which have been made under the solemnity of an extra-judicial oath, may be corrected by his own testimony, given under legal responsibility, as well as by the testimony of others, and by the exhibition of documentary evidence.

I have the honor to be, with great respect,

Your obedient servant,

HENRY SEYMOUR,

Canal Commissioner.

IN ASSEMBLY,

January 29, 1831.

MESSAGE

From the Governor, transmitting the annual report of
the Commissary-General.

TO THE ASSEMBLY.

GENTLEMEN,

I have the honor to transmit to you the Annual Report
of the Commissary-General.

E. T. THROOP.

Albany, January 29, 1831.

STATE OF NEW-YORK,

Commissary-General's Office, New-York, Jan. 18, 1831.

To His Excellency E. T. THROOP,

Governor, &c.

SIR—

In compliance with the act relating to the Militia and the
Public Defence, which designates the duties of the Commissary-
General, I have the honor to present herewith, the returns and
statements of the transactions of this department, during the year
ending the 31st ultimo.

Very respectfully,

I am, your very ob't. serv't.

ALEXANDER M. MUIR,

Commissary-General.

Ge of New-York, January 1, 1831.

ARMS, AMMUNITION, &c.

<i>Small Arms.</i>	
all kinds,	43,363
es,	1,888
p.	521
ols,	220
d swords, about	627
atements for small arms,	20,000

<i>Ammunition.</i>	
of 1,000 rounds for musketry,....	373
istols,	26
ls of powder,	31

<i>s and Instruments of Music, &c. &c.</i>	
ental colors,	42
.....	44
,	221
.....	253
.....	38
.....	248
.....	5,962
entry tents,	559
.....	90
.....	2,896

rice, January 18, 1831.

DER M. MUIR, *Commissary-General.*

(C.)

*A Return in detail, of the Ordnance, Arms and Military Stores,
the property of the State of New-York, January 1, 1831.*

*In the Fortifications of Forts Richmond and Tompkins, Staten-
Island.*

Iron 32 pounder cannon, mounted,*	25
“ 24 “ “ “ *	2
“ 32 “ “ “ dismantled,	1
“ 24 “ “ “ “	42
Garrison carriages for do. do. but unfit for service,	42
Pent houses,	42
Rammers and sponges,	54
Ladles for cannon,	40
Worms for do	60
Battery handspikes, (wooden,)	100
Iron crowbars,	50
Iron loggerheads,	9
Beds and quoins,	50
Sling or dibble carriage,	1
Small truck do	1
Iron truck wheels,	10
One cannon searcher. A quantity of wads.	
Cannon balls for 24 pounders,	3533
do 32 do	1655

Deposited at Fort Columbus, Governor's Island.

Iron 24 pounder cannon, dismantled,	13
Garrison carriages for do. complete,	13

In the Arsenal at New-York.

Iron 18 pounder cannon, mounted,	4
“ 12 “ “ “	2
“ 9 “ “ “	7
“ 9 “ “ “ dismantled, the carriages of which are condemned,	2
Brass 6 pounder cannon, dismantled,	6
“ 2 “ “ “	1
“ 12 “ “ “ mounted,	6
“ 18 “ “ “ “	2
Field artillery carriages, with limbers, side boxes, &c. com- plete,	21
Do. for iron 9 pounder cannon, condemned,	2
Brass 10 inch mortars, with wooden beds, unfit for use,	2

* The carriages are unfit for use.

Brass 5½ inch eprouvette,.....	1
Rammers and sponges,	120
Worms,.....	54
Ladles,	18
Powder-horns and gunners' belts,	56
Tube-boxes and straps,	42
Port-fire cases,.....	22
Lint-stocks,	60
Port-fire stocks,	60
Tar-buckets,.....	18
Water-buckets,	16
Postillion saddles,	34
Old cart do. condemned,.....	2
Prolongs,	20
Bricoles,.....	160
Sets implement straps,	24
Lead aprons and straps,.....	50
Trail-staves,	42
Tompions and collars,	40
Sets drag-ropes, .. .	20
Haversacks,	32
Bricoles,.....	20
Prolongs,	160
A lot of sponge-covers.	
Case mathematical instruments,.....	1
Gunners' quadrant,	1
Gunners' compass,.....	1
Pair caliber compasses,.....	1
Set brass shot-gauges,.....	1
Wooden do	12
Wooden port-fire mould,.....	1
Copper do	1
Port-fire drifts,	5
Copper measures and tunnels,	20
Scales and weights,.....	1
Pair steelyards,	1
Bullet-moulds,	92
A lot of port-fire, and a lot of port-fire formers.	
Reams cartridge-paper,	2
A lot of cartridge-thread.	
Tin filling-pans,	4
Filling-boxes,.....	12
Dredging-box,	1
Copper syringe,	1
Copper tinder-box,	1
Iron ladle,.....	1
Musket-scraper,.....	1
Stools and benches,.....	6
Lathe-wheel,	1
Coils slow-match,.....	18
Cast-iron truck-wheels,.....	25
A lot of priming wires and brushes.	

Bundles of iron wire,	2
Saddle and bridle,	1
Currycomb and brush,	1
Horse cart,	1
Cannon balls for 32 pounders,	2647
" 24 " 	19
" 18 " 	612
" 12 " 	294
" 9 " 	705
" 6 " 	
" 4 " 	84
" 3 " 	834
Shells for 10 inch mortars,	358
" 8 " 	88
" 8 " howitzer,	99
A lot of wads, a lot of flannel cartridge bags.	
Boxes of musket balls,	10
" buckshot,	5
Casks musket flints,	4
Linen haversack,	1
Camp-kettles, damaged.	
Magazine lanterns,	1
A lot of screwdrivers, a lot of gun-wormers.	
Copper (cooper's) tools,	4
Sets armorers' tools,	2
Brace and bits,	1
Drawing-knife,	1
Cast-iron stoves and grates,	5
Oil-can,	1
Hatchets,	2
Facine hooks,	118
Crosscut saw,	1
Common do	2
Axe,	1
Sledge-hammer,	1
Broad-axe,	1
Augers,	9
Planes,	6
Chisels,	6
Hammers,	3
Spade,	1
Shovels,	2
Grind-stone,	1
Pair smith's bellows,	2
Step and rung ladders,	6
Wheel-barrow,	1
Smith's anvil,	1
Horse,	1
Set cart harness,	1
Odd sets artillery harness,	18
Watering-pots,	2

Dusting-brushes,	3
Wall-candlesticks,	38
Desk,	1
Tables,	2
Chairs,	3
Pair shovel and tongs for office,	1
Coal pan and safety fender,	1
Poker,	1
Office-bell,	1
Fire-buckets,	4
Gluepot,	1
Iron pestle,	1
Handcuffs,	75
Hanspikes,	4
Iron crowbars,	2
Rakes,	2
Hoes,	2
Brands,	2
Camp stools,	6
A lot of cooking utensils,	
Quoins,	34
Cannon searcher,	1
Shell scraper,	1
Shot carriers,	4
Shell hooks,	4
Sod cutters,	6
Wrenches,	10
Jack screw,	1
Gins, one of which unfit for use,	2
Sets takle and blocks,	4
Sets falls for do.	3
Tumbril tops,	40
Cartridge formers,	19
Ladle tompions,	20
Battery handspikes,	160
Common hand do.	4
Budge barrels,	9
Tarpawllins,	12
Old ammunition waggons, ...	2
Travelling forges, with bellows and apparatus complete, ...	2
Muskets in order,	11078
Bayonets,	11078
Ramrods,	11078
Old muskets much worn, having been used by S. P. guard, ..	29
Common rifles,	2
Ellis' repeating rifles, with their apparatus complete,	520
Odd ramrods,	200
Odd bayonets,	86
Pairs horsemen's swords,	166½
Cutlasses,	228
Artillery swords,	233

Gun-slings,	1800
Bayonet belts and scabbards,	12368
Cartridge-boxes and belts,	12368
One commander in chief's marquee.	
Wall-tents,	90
Common infantry tents,	158
Tent partitions,	37
A lot of tent poles, a lot of tent pins, a lot of do. in bags, a few canvass caps.	
Hammocks,	295
Medicine chests,	2
Knapsacks,	5286
Canteens and straps for do.	2670
National colors,	3
Regimental colors,	10
Bugles,	5
Fifes,	207
Snare-drums,	23
Bass-drums,	6
Drum-slings,	40

In the Magazine at New-York.

Boxes of fuses for shells,	3
Boxes of tubes for cannon,	1
Keg mealed powder,	$\frac{1}{2}$
Keg mealed sulphur,	$\frac{1}{2}$
Rounds fixed canister shot for 18 pounds,	136
" " " 12 " 	200
" " " 9 " 	159
" " " 6 " 	136
" " " 3 " 	243
Rounds fixed strap shot for 12 pounds,	182
" " " 9 " 	122
" " " 4 " 	24
" " " 3 " 	164
Boxes containing strap shot for 6 and 18 pounds,	18
Rounds fixed strap-shot for six pounds,	190
Boxes of fixed musket cartridges of 1000 rounds each,	266
Boxes do. pistol do.	26
A lot of cartridge f., a lot of flannel cartridge bags.	
Quarter casks of musket and cannon powder,	21
Tarpaulins for drying powder,	1
Pairs mockasins used for magazine,	3

In the Arsenal at Albany.

Travelling forge,	1
Ammunition tumbrils,	3
Powder proof,	1
Rammers and sponges for 18 pounds,	2
Wormers for do.	2

Rammers for 6 pounders,	10
Copper ladles,	14
Port-fire stocks,	9
Lint-stocks,	9
Powder-horn,	1
Buckets, (water)	12
Tar-buckets,	12
Haversacks,	16
Tube-boxes and straps,	8
Prolongs,	8
Bricoles,	20
Budge-harrels,	4
Bullet-moulds,	17
A lot of gunners' equipments, a lot of port-fire.	
Boxes of musket balls,	2
Boxes of buckshot,	6
Coil slowmatch,	1
A lot of musket flints.	
Barrals of soup-basins,	2
Old camp kettles,	4
A lot of old canteens.	
Hand-spikes,	4
Iron crowbars,	3
A set of miners' rods. One large and five small vices.	
Old artillery harness and saddles,	3
Old com. blankets,	12
A lot of old slate, a lot of old lead, a lot of old iron, a lot of tent poles.	
Brass mortar 8½ inch,	1
Muskets in order,	26337
Ramrods "	26337
Bayonets "	26337
Rifles,	1803
Ellis' repeating do. with apparatus complete,	1
Gun-slings,	420
Cartridge-boxes and belts,	4133
Bayonet belts and scabbards,	1407
Bugles,	33
Bass-drums,	38
Snare-drums,	198
Fifes,	46
Drum-slings,	208
Stands of colors,	32
A set of tackle blocks, a set of falls for do., 1 old drum shell, a lot of rifle bullet moulds, a lot of parts of old gun-carriages.	
Cannon balls, 12 pounders,	467
" 9 "	780
" 6 "	249
" 4 "	1524
" 3 "	119
Jack screw,	1

Long rung ladder,	1
A quantity of grape shot. A lot of old burnt arms.	
Cannon searcher.....	1

In the Magazine at Albany.

Boxes of musket cartridges,.....	94
Boxes of fixed grape and canister shot,.....	7
Quarter casks of cannon powder,	10

At Whitehall, remaining deficient of a quantity left there at the close of the late war, in the charge of John Reid & Co.

Cannon balls for 12 pounders,.....	133
“ “ 9 “	111
“ “ 3 “	364

At Plattsburgh, returned to me as left in the possession of a Mr. Gilleland.

Old muskets,	18
Ramrods,	6
Old tents,	5
Cartridge-boxes and belts,	2
Camp-kettles,	9
Canteens,	50
And a quantity of old cannon balls, said to have been left on the Arsenal site at Plattsburgh.	

In the Arsenal at Elizabethtown, Essex County.

Muskets, in order,	1652
Ramrods, in order,	1600
Bayonets, in order,	1402
Muskets and parts of do. not worth repairing,	47
Cartridge-boxes and belts,	884
Bayonet-belts and scabbards,	886
Rifles,	27
Pairs of horsemen's pistols,	32
Horsemen's swords,	50
Horsemen's sword-belts,	39
Gun-slings,	292
Priming-wires and brushes,	120
Linen haversacks,	20
Knapsacks,	152
Common infantry and wall-tents,	356
Hospital tent,	1
Tent-partitions,	14
Quarter casks and kegs of powder, and fixed ammunition,...	25
Reams cartridge-paper,	12
Canteens,	120
Boxes containing port-fire and ammunition,	3
A lot of musket stocks and parts of broken muskets.	

[A. No. 122.]

2

Cases surgical instruments,	2
Tornequets,	5
Set takle-blocks and rope,	1
Vices, (2 large and 1 small,)	3
Crosscut saw,	1
Parts of sets of armourer's tools,	2
Smith's bellows,	1
Oilstone,	1
Desk,	1
Emerywheels,	2
Window-glass for arsenal, $\frac{1}{4}$ of a box.	
Stove and pipe,	1
Set of old shaft artillery harness,	1
Tumbril for ammunition,	1
Cannon balls for 3 pounders,	19
Cartridge-boxes for riflemen, much worn,	26

The Arsenal at Malone, Franklin county, contains no public property, and is in the care of R. G. Foote, Esq.

In the Arsenal at Russell, St. Lawrence County.

Muskets, in order,	436
Bayonets, in order,	436
Ramrods, in order,	436
Rounds of fixed ammunition in boxes,	19000
Sets of accoutrements,	14
Window-glass for arsenal, $\frac{1}{4}$ of a box.	

In the Arsenal at Watertown, Jefferson County.

Muskets, in order,	1776
Bayonets, in order,	1776
Ramrods, in order,	1776
Muskets and bayonets much worn, &c. in the service,	48
Broken muskets and parts of do.	38
Cartridge-boxes and belts,	1566
Bayonet-belts and scabbards,	1645
Old cartridge-boxes,	47
Boxes of fixed musket cartridges,	9
Knapsacks,	524
Canteens and straps,	57
Reams cartridge-paper,	24
Pounds buckshot,	48 lb.
Pairs steelyards,	3
Parts of sets of artillery harness,	2
Pair snow-shoes,	8
Small grindstone,	1
Gut-slings,	56
Rammer and sponge,	1
Lint-stocks,	2
Port-fire stocks,	2

Parts of kegs of gun-flints,	2
Cannon shot for 9 pounders,	627
“ 6 “	963
“ for 3 and 4 pounders,	2121
Old drum shells,	8
A lot of tent-poles.	
Water-buckets,	4

The Arsenal at Onondaga contains no property of value, and is in the care of George Hall, Esq.

In the Arsenal at Canandaigua, Ontario County.

Iron 12 pounder cannon mounted with travelling car. complete,	2
Rammers and sponges,	2
Ladles and worms,	2
Port-fire cases,	2
Thumbstalls,	2
Powderhorn and gunner's belt,	1
Tube-box and strap,	1
Haversacks,	2
Priming-wires,	2
Port-fire stocks,	2
Rammers,	2
Sets dragropes,	2
Tarpaulins,	2
Tar bucket,	1
Trail-staves,	2
Cannon balls, 6 pounders,	581
“ 8 “	932
Old infantry tents, formerly used by the officers of a rifle regt.	12
A lot of old tin, and a few old packing boxes for arms.	

In the Arsenal at Batavia, Genesee County.

Muskets, in order,	1560
Ramrods,	1436
Bayonets,	1450
Muskets, old and much abused when in the service,	283
Musket barrels,	192
Musket stocks,	29
Gun-slings,	120
Camp-kettles,	202
Cartridge-boxes and belts,	1126
A lot of old accoutrements.	
Bayonet-scabbards and belts,	182
“ “ without belts,	52
A lot of tant-poles. Four bars and 50 pounds lead.	
Old drums,	2
Drum shells,	2
Boxes of fixed musket cartridges of 1,000 rounds each,	4
Musket scraper,	1

Wormer,	1
Old axes,	3
Drawing-knife,	1
Sets artillery harness made complete,	3
Emery wheel and fixtures,	1
Tackle falls,	1
Set of blocks for do.	1
Pair steelyards,	1
Rounds of case shot for 12 pounders,	176
Barrel containing old locks and parts of do. and arms,	1
Iron pots,	2
Packing-boxes for arms,	10
Old cart saddle,	1

In the possession of officers of Artillery Companies, &c.

Iron 9 pound cannon, mounted,	3
“ 6 “ “ “	34
“ 6 “ “ not mounted,	4
Brass 9 “ “ mounted,	7
“ 6 “ “ “	96
“ 4 “ “ “	5
“ 3 “ “ “	50
“ 2 “ “ “	2
Field artillery carriages with limbers, side and ammunition boxes, complete,	197
Sets implements for do.	201
Sets gunner's equipments,	201
Caissons, for ammunition,	6
Tumbrils, “	19
Waggon, “	2
Sets harness, about	100
Postillion saddles,	38
Muskets,	99
Rifles,	57
Bayonet-belts and cartridge-boxes,	128
Belts and scabbards,	121
Pairs of horsemen's pistols,	22
Artillery swords,	118
Sword belts,	58
Tarpaulins,	66
One drum ; 2 fises ; 2 rifle moulds ; 28 common infantry tents.	
Wall tents, with poles, pins, &c.	6

*State of New-York, Commissary-General's Office, }
New-York, January 18, 1831. }*

ALEXANDER M. MUIR,
Commissary-General.

(D.)

Return of munitions of war, &c. &c. received into the State Arsenal, during the year ending the 31st December 1830.

June 1830, purchased to supply requisitions of Artillery companies for practice, 380 qr. casks powder.

*State of New-York, Commissary-General's Office, }
New-York, January 18, 1831.*

ALEXANDER M. MUIR,
Commissary-General.

(E.)

A general abstract (account) of issues of Ammunition, &c. &c. made from the Arsenal and Magazines of the State of New-York, during the year ending 31 December, 1830.

Date.	To whom or for what purpose issued.	Powder		Muskets.	Ammunition tumbrils.	Set shaft barres.	Cannon Balls.				Slow-match.	Port-fire.
		Barrels.	Gr. casks.				8 pound.	6 pound.	4 pound.	3 pound.		
1830	To Col. E. F. Spinner, for use of 26th regt. Artillery, .....	.....	.....	1	1	1	.....	.....	.....	.....	.....	.....
"	To Artillery companies for practice,	7	252	.....	.....	.....	10	133	32	360	.....	.....
"	To account for an error in over estimating or counting the number of arms in Arsenal at Albany, .....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	.....
"	Used for the service, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Total,	7	252	8	1	1	10	133	32	360	1	.....

* See accompanying report.

S. N. Y. Commissary-General's Office, January 18, 1831.

ALEXANDER M. MUIR, *Commissary-General.*

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and with the assistance of the Bureau of the Census, the Department of the Interior, and the National Bureau of Standards, the Department of the Interior has been able to develop a system of land use planning which is based on the principles of the National Bureau of Standards and the National Bureau of Standards.

(H.)

A return of Small Arms, and Munitions of War, the property of the State of New-York, remaining in the possession of companies and individuals, (of old issues) up to the 31st December, 1831.

<i>Date of issue.</i>	<i>County.</i>	<i>Name of Officer or Individual.</i>	<i>Muskets.</i>	<i>Rifles.</i>	<i>Pair pistols.</i>	<i>Swords.</i>	<i>Bayonets.</i>	<i>Cartridge-boxes and belts.</i>	<i>Bayonet-bells and scabbards.</i>	<i>Sword-bells.</i>	<i>Drums and lutes.</i>	<i>Infantry tents.</i>	<i>Wall tents.</i>
1816 July	Richmond,...	Simon S. Perine and R. C. Carey, .....	...	...	15	18	...	...	...	18	...	...	...
		Ashbury Crocheron, .....	...	...	...	40	...	...	...	40	...	...	...
1816	Essex,	Peter Tysen, .....	...	...	...	60	...	...	...	...	...	...	...
		J. Weyman, and others, balance of issue, .....	...	7	...	...	...	...	...	8	...	...	...
		W. H. Pierce and W. H. Ross, .....	...	...	7	...	...	...	...	...	...	...	...
1816	Clinton,	Major A. C. Flagg, and others, .....	...	50	...	...	...	...	...	...	...	...	...
1820	Cayuga,	Auburn State Prison Guards,	73	...	...	...	73	73	...	...	...	...	...
	Herkimer,	S. Holmes, and others, of old issue,	1	...	...	...	2	2	...	...	...	...	...
	New-York,	Extra State Prison Guard, .....	...	...	...	...	...	20	20	2	...	...	...
1825	Westchester, ..	The State Guard,	25	...	...	...	25	25	...	...	...	...	...
1827	Monroe,	Gen. Oliver Strong, 1 rifle regt. ....	...	...	...	...	...	...	...	...	...	16	2
		Col. B. H. Brown, rifle regt. ....	...	...	...	...	...	...	...	...	...	12	4
Total,			99	57	22	118	100	120	128	58	228	6	6

S. N. Y. Commissary-General's Office, January 18, 1831.

ALEXANDER M. MUIR, *Commissary-General.*

(I.)

ACCOMPANYING REPORT.

The Commissary-General respectfully refers to his general return and the accompanying tables, from A. to H. inclusive, as presenting "the situation and disposition of all the ordnance, arms, ammunition and other munitions of war, property and things, which in any wise appertain to, or respect the department confided to his keeping."

The fortifications and public property (Forts Richmond and Tompkins) at Staten-Island, remain as per last report.

During the season, the arsenal, magazine and workshops at New-York, have been kept in repair, a large proportion of the accoutrements oiled, and the arms preserved in order for service. The latter, however, will require overhauling and oiling the present season.

In the arsenal at Albany, twelve thousand stand of muskets have been cleaned, and a quantity of the accoutrements oiled. On opening and examining the boxes containing the arms, a deficiency of eight muskets was discovered, and which are accounted for by the keeper and the persons employed to assist him in cleaning the arms, by their affidavits, copies of which are annexed, marked No. 1 and 2.

The arms in the arsenals at Batavia, Watertown and Russell, have all been thoroughly cleaned and overhauled, and those at Elizabethtown have been oiled. The whole are fit for service.

During the season, about 40 gun-carriages, for field service, have been overhauled and repaired, and in some cases, painted, and nearly as many have been supplied with what implements and gunner's equipments they required to equip them complete.

I have again to mention, that but few reports have been received from commandants of artillery companies, in compliance with the fourteenth section of article second, of title eight, chapter ten of the Revised Statutes. The return of field pieces in the possession of artillery companies, in consequence, may not be correct, but it is as perfect as it was possible to make it, under all the circumstances.

During the visit of inspection, which I made the last season, to the several arsenals, I directed all the old arms of foreign fabric (which are unfit to be issued) and all parts of arms and condemned accoutrements, or perishable property, which was deemed unsuitable for the use of the state, to be sold (by auction or otherwise,) as should be thought most advantageous to the state. Before the articles could be arranged and sufficient publicity given to the proposed sale, it was thought to be too late in the season to sell the articles to advantage. The sale has therefore been postponed until some early day of the ensuing summer, when it is contemplated to dispose of all the articles of the description mentioned, remaining in the arsenals at Batavia, Watertown and Elizabethtown.

Respectfully submitted.

ALEXANDER M. MUIR,

Commissary-General.

State of New-York, Commissary-General's Office, }
New-York, January 18, 1831. }

[A. No. 122.]

(No 1.)

[COPY.]

State of New-York, Albany County, ss.

Francis Costigan, keeper of the state arsenal in the city of Albany, being duly sworn, says, that in the account heretofore taken of the arms received by the state, from Smith Cogswell, and from the United States, and deposited in the said arsenal, the boxes containing the said arms were taken and counted as full boxes, marked as containing each twenty muskets and bayonets; that on opening two of said boxes received from Smith Cogswell, this deponent discovered that they were deficient, one of them containing nineteen muskets and bayonets, and the other fifteen muskets and bayonets only, making a deficiency of six muskets and bayonets: that this deponent was informed by Daniel B. Anderson and John Visscher, two men employed by him to assist in cleaning and repairing arms in the said arsenal, that they had found two of the boxes of arms received by this state from the United States, deficient, each of them containing nineteen muskets and twenty bayonets only, making a deficiency of the two muskets, and, which on personal examination he found to be correct, thus making a deficiency of eight muskets and six bayonets in the whole: that this deponent has no knowledge, information or belief as to how such deficiency has accrued, other than that he believes it must have happened when the arms were boxed, before they were delivered: that the present season being the first time that all the boxes have been opened, the arms all repaired, cleaned, arranged, and the boxes all filled with the proper number, is the first that the said deficiency has been ascertained, so as to enable this deponent to give a correct account thereof; and further this deponent saith not.

FRANCIS COSTIGAN.

*Sworn this 2d day of November, 1830,
before me J. W. HYDE, Commissioner, &c.*

(No. 2.)

[COPY.]

State of New-York, Albany County, ss.

Daniel B. Anderson and John Visscher, being severally duly sworn, depose and say, and each of them for himself doth depose and say, that they now are, and for some years past have been, in the employ of Francis Costigan, the keeper of the state arsenal in the city of Albany, in the said arsenal to repair and clean the arms of the state: that these deponents on opening two of the boxes of arms received by this state from the United States, found them deficient, in containing nineteen muskets and twenty bayonets each, instead of twen-

ty muskets and twenty bayonets, which they ought to have contained : that these deponents have no knowledge, information or belief as to how such deficiency has happened, other than that they believe the same must have happened at the time when the arms were boxed for delivery to the state ; and these deponents further severally say, that they have heard the deposition made this day by Francis Costigan, the keeper of the said arsenal, read to them, and that the matters therein stated are true ; and further say not.

JOHN V. S. VISSCHER,
DANIEL B. ANDERSON.

*Sworn this 2d day of November, 1830,
before me, J. W. HYDE, Commissioner, &c.*



INDEX TO THE TABLES.

- A. General return.
- B. Recapitulation of ordnance, &c.
- C. Return in detail, of property in the several arsenals.
- D. and E. Receipts and issues for 1830.
- F. Return in detail, of ammunition issued in 1830.
- G. A general return of field ordnance in the possession of artillery companies.
- H. A statement of small arms remaining out, of old issues.
- I. Accompanying remarks.

IN ASSEMBLY,

January 29, 1831.

ANNUAL REPORT

Of Henry Leek and John P. Haff, Inspectors of
Leather for the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

In compliance with the Revised Statutes, passed December the third, 1827, chapter the seventeenth, title the second, article the twelfth, section 185th, we the undersigned, two of the inspectors of sole leather for the city and county of New-York, ask leave to report the number of sides of sole leather by them inspected, from the first day of January, 1830, to first day of January, 1831, and as nearly as may be, the value of the same, together with the fees or emoluments arising from said office.

The whole number of sides inspected by us is,	146,839
Of which that bore the good stamp are,	110,130
At an average of 14 lbs. the side,	1,541,820 lbs.
Value at an average of 20 cents the pound,	\$308,364 00
The number that bore the damaged stamp, are	36,709
At a general average of 14 lbs. the side,	513,926
Value at an average of 16 cts. the pound,	82,238 16
The whole number of sides ...	146,839
The whole amount of weight,	2,055,746
The total value of good and damaged,	\$390,602 16

The amount of fees for inspecting 146,839 sides at 2 cts.

the side, \$2,936 78

Out of this amount we have paid for the hire of laborers, 300 00

Which on deducting will leave a balance of..... \$2,636 78

The above balance divided between us two, will leave the nett amount of fees for each, \$1,318 39.

The above is respectfully submitted.

HENRY LEEK,

JOHN P. HAFF,

Inspectors.

New-York. Jan. 25, 1831.

IN ASSEMBLY,

January 29, 1831.

ANNUAL REPORT

Of Isaac P. Hand, an Inspector of Lumber for the
city and county of Albany.

To His Excellency ENOS T. THROOP,
Governor of the State of New-York.

In compliance with an act of this state, regulating the inspection
of lumber, the subscriber, an inspector of lumber for the city and
county of Albany, respectfully submits the following annual state-
ment of the quantity and quality, together with the average prices
sold at; the same ending 31st December, 1830.

Respectfully, your obedient servant,

ISAAC P. HAND.

Albany, Jan. 26, 1831.

Feet.		
64,108	mercht. whitewood columns, at	\$11 00 per M.
433,997	" $\frac{5}{8}$ inch whitewood boards, at.....	11 00 "
42,088	first quality whitewood chair plank, at ...	28,00 "
99,166	second " " " ...	14 00 "
7,940	third " " " ...	7 00 "
20,867	mercht. ash boards and plank, at	12 00 "
6,664	" maple boards plank and joist, at ..	11 00 "
6,935	" cherry " " ..	20 00 "
2,885	" basswood $\frac{5}{8}$ inch boards, at	7 00 "
54,709	first quality pine boards and plank, at	28 00 "
114,001	second " " "	18 00 "
163,817	third " " "	13 00 "
465,518	fourth " " "	9 00 "
279,636	box boards, pine, at.....	9 00 "
30,015	beam timber,	8 50 "
6,753	chesnut beams,	8 50 "

Fees,..... \$640 00

500

IN ASSEMBLY,

January 29, 1831.

ANNUAL REPORT

**Of Isaac Leonard, an Inspector of Sole-Leather for
the county of Monroe.**

To the Honorable the Legislature of the State of New-York.

The inspector of sole leather, for the county of Monroe,

RESPECTFULLY REPORTS :

That during the year ending on the 1st day of January, 1831, he has inspected within the said county, two thousand five hundred and fifty-seven sides of sole leather, sixty of which have been bad, one hundred and thirty damaged, the remainder good; the average value has been three dollars and fifty cents per side, making in amount, eight thousand nine hundred and forty-nine dollars and fifty cents. The amount of fees received by him for the above services, is one hundred and two dollars and twenty-eight cents. He further reports, that he is not at present in possession of any information that would tend to the improvement in quality, or increase in the quantity of the article subject to his inspection.

All of which is respectfully submitted.

ISAAC LEONARD,
Inspector.

Rochester, January 1, 1831.

[A. No. 125.]

IN ASSEMBLY,

January 29, 1831.

ANNUAL REPORT

Of Jacob Shumway, an Inspector of Beef and Pork
for the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

In conformity with the requisitions of the inspection laws of the state of New-York, I hereby annex a report of provisions inspected by me during the year 1830, viz :

PORK.

851 barrels mess pork, value.....	\$14 50 per barrel.
2,041 " prime "	10 00 "
2 " cargo "	8 00 "
1,291 " not brandable,.....	9 00 "
<hr/>	
4,185 bbls.	

BEEF.

95 barrels mess beef, value	\$9 50 per barrel.
196 " prime "	6 00 "
19 " cargo "	4 50 "
13 " extra mess beef, value.....	10 00 "
73 " not brandable,.....	3 00 "
<hr/>	
395	

HALF BARRELS BEEF AND PORK.

1	half barrel mess pork, at	\$7 50
1	" prime "	5 50
87	" mess beef, at	5 75
54	" prime "	3 25
Inspection fees on 4,580 barrels at 15 cents, is		\$687 90
" " 143 half barrels at 10 cents, is....		14 30
Cooperage fees on 4,580 barrels at 10 cents, is.....		458 00
" " 143 half barrels at 5 cents, is.....		7 15
		<hr/>
		\$1,167 35
		<hr/>

JACOB SHUMWAY,
Inspector.
 New-York, Jan. 22, 1881.

IN ASSEMBLY,

February 8, 1831.

REPORT

Of the Comptroller, relative to the Health Department in the city of New-York.

STATE OF NEW-YORK,
COMPTROLLER'S OFFICE. }

The Comptroller, in obedience to a resolution of the Honorable the Assembly, of the 10th January last, has the honor to submit the following

REPORT.

There has been received by the Health Commissioner, during the year ending 31st December, 1830, from passengers and crews arriving at New-York from foreign ports, the sum of

\$47,663 00

There has been received from vessels arriving coastwise, during the same period, the sum of.....

3,108 25

50,771 25

Deduct for collection fees $2\frac{1}{2}$ per cent,.

1,269 28

\$49,501 97

Amount collected by Jacob Morton, clerk of the Common Council of the city of New-York, and paid to the health commissioner, after deducting 10 per cent for collection,.....

\$1,307 70

Amount collected by J. S. Westervelt, at the quarantine ground, during the same period,.....

\$216 75

Amount carried forward,....

[A. No. 127.]

Amount brought forward,....\$		
Less, amount of expenditures, (as per vouchers,)	113 38	
	<hr/>	103 87
		<hr/>
		\$1,411 07
Total receipt for the year, ending 31st Dec. 1830,..		<hr/>
		\$50,913 04

There has been expended, during the year ending 31st December, 1830, as per statement below, the sum of..... \$38,096 95
to wit :

For salaries of health commissioner, resident physician, hospital surgeon, chaplain, mate of the marine hospital, and agent of the commissioners,..	\$4,970 01
For wages of various persons in and about the Marine hospital, and laborers,.....	7,650 53
For general support, including provisions, medicine, furniture, &c.	7,157 59
For building bulk-head, and materials for same, as per voucher,.....	9,741 35
For insurance, printing, and freight,.....	552 47
For fees of arbitration, in which the health commissioner was a party,.....	25 00
To the society for the reformation of juvenile delinquents,.....	8,000 00
	<hr/>
	\$38,096 95

Months.	Salaries.	Wages of servants and laborers.	General support.	Building bulk head and materials.	Insurance, printing, and freight.	Society for relief of juvenile delinquents.	Cost of arbitration.	Total.
January,	414 17	93 50	11 72	.....	.....	.....	.....	519 39
February,	330 83	102 57	.....	55 47	144 35	.....	.....	633 22
March,	497 49	748 00	278 00	798 96	4 81	1,000 00	.....	3,327 26
April,	414 17	707 70	426 62	.....	81 00	.....	.....	1,629 49
May,	247 51	1,554 15	794 36	523 46	99 50	2,000 00	.....	5,218 98
June,	247 50	1,239 93	634 46	1,230 50	190 75	1,000 00	.....	4,543 14
July,	247 50	802 25	579 30	487 15	.....	2,000 00	.....	4,116 20
August,	247 50	511 56	349 98	33 86	10 00	.....	.....	1,152 90
September,	247 50	505 34	1,259 09	242 62	22 06	.....	.....	2,276 61
October,	247 50	669 62	306 23	801 58	.....	2,000 00	.....	4,024 93
November,	247 50	398 06	957 62	3,063 78	.....	.....	.....	4,666 96
December,	1,560 84	317 85	1,560 21	2,503 97	.....	.....	\$25 00	5,967 87
	\$4,970 01	\$7,650 53	\$7,157 59	\$9,741 35	\$552 47	\$6,000 00	\$25 00	\$38,086 95

The above comprises a full answer to the resolution, so far as it can be given from the accounts and vouchers returned to this office, for the year 1830. The inquiry contained in the resolution, as to the amount of money received by the health officers as fees of office, cannot be answered from the papers in the Comptroller's office, unless by that sum is designated the amount paid for salaries. If so, then the first item of the above classification of the expenditures, is the amount for the last year; but it is presumed this inquiry was intended to embrace certain perquisites allowed to these officers, or to certain individuals of them, and for which they are not required to account.

If this supposition be correct, the inquiry should be addressed to the health officers, as no means of answering it exists from any papers returned by them to this office.

The Comptroller has not supposed it necessary to repeat the statement of these accounts for the year 1829, as a report was made to the last legislature, (see documents, vol. 3; No. 252 of the last session,) in answer to a similar call, and which embraces about the same classification of the expenditures of that year, together with several other facts in relation to the accounts of the health officers which may aid the house in reference to the object for which the present call was made.

SILAS WRIGHT, Jr.

Dated Albany, 7th February, 1831.

IN ASSEMBLY,

January 31, 1831.

REPORT

Of the committee on the erection and division of towns and counties, on the petition of sundry supervisors of the county of Allegany.

Mr. Reimer, from the committee on the erection and division of towns and counties, to whom was referred the petition of sundry supervisors of the county of Allegany, praying the legislature to change the name of said county,

REPORTED :

That the committee have had said petition under consideration, and find that the county of Allegany contains twenty-six towns, and that eighteen out of twenty-six supervisors have signed said petition. The petitioners state, that great injury has accrued to the settling and improvement of the county, in consequence of the name, without stating the manner in which such injury has arisen. They also state as a reason for changing the name, that there is in the state of Pennsylvania a county of the same name.

The committee on examination, find that the county of Allegany, by the census of 1825, contained a population of about eighteen thousand inhabitants ; and by the census of the United States of 1830, it contained a population of about twenty-six thousand ; an increase of about eight thousand in five years, while the county of Ontario, in the same time, has only increased about two thousand eight hundred.

The petition purports to emanate from the supervisors of the county of Allegany, but does not set forth any resolution of the board of

[A. No. 128.]

supervisors, but is signed by them individually. The committee do not therefore consider that the petition is entitled to any higher consideration than as though the same had been signed by the same number of other respectable individuals in the county. The name now borne by the county in question, was derived from the Allegany river, which finds some of its sources within its bounds, and a change of the name cannot but produce considerable confusion, and should not be done without good and substantial reasons. It is well known that there are several counties in the state of Pennsylvania bearing the same name with counties in this state ; but the committee do not consider that of sufficient importance to change the name of that county.

The committee have directed their chairman to submit the following resolution :

Resolved, That the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petition.

IN ASSEMBLY,

January 31, 1831.

REPORT

Of the committee on ways and means, on the petition of the supervisor of the town of Salem, in the county of Washington, and the report of the Comptroller thereon.

Mr. Selden, from the committee on ways and means, to whom was referred the petition of the supervisor of the town of Salem, in the county of Washington, and the report of the Comptroller thereupon,

REPORTED :

That they have examined said petition and report ; that according to the course of the Comptroller's office, annual interests are made on the accounts of the debtors to the state, and interest charged thereon, in consequence of which interest becomes principal at the end of each year, and thus the interest is compounded. They further report, that from this cause, the county of Washington stands charged with compound interest on a sum of \$714.04, since a period prior to March 1822, although the principal, with simple interest only, has been collected ; and although the delay in collection has been impeded by an act of the legislature, passed March 1822, the committee are of opinion that the relief ought to be granted, by crediting the county the difference between simple and compound interest, and they have prepared a bill for that purpose.

IN ASSEMBLY,

February 1, 1831.

REPORT

Of the committee on ways and means, on the petition of John H. Johnson, and the report of the Comptroller thereupon.

Mr. Selden, from the committee on ways and means, to whom was referred the petition of John H. Johnson, of the town of Salina, in the county of Onondaga, for relief, and the report of the Comptroller thereupon,

REPORTED—

That the petitioner claims as assignee of E. F. Milley, the sum of \$204.16, which sum had, as appears by the receipt of the Treasurer, been paid into the treasury, in order to redeem a lot of land known as lot No. 75, in the town of Hannibal, county of Oswego, sold for arrears of taxes. Your committee further report, that by reason of the mistake of the individual paying the said sum, in not returning the said receipt to the Comptroller, whereby the money might be credited to the particular land intended to be redeemed, the right of redemption was lost, and a deed was sometime thereafter executed to the purchaser. In consequence of this error, the money so paid remains in the treasury, not applied to the purposes intended, and therefore ought to be refunded. The petitioner claims interest upon the sum, but your committee believe that the state ought in no case to pay interest on monies erroneously paid into the treasury, unless under most peculiar circumstances, or unless it appears that such error was a mistake on the part of the public officer, which in this case it was not; and your committee have prepared a bill in conformity to the above suggestion, which they ask leave to introduce.

[A. No. 130.]

IN ASSEMBLY,

February 1, 1831.

REPORT

Of the committee on the judiciary, on the petition of sundry inhabitants of Warsaw, in the county of Genesee.

Mr. Potter, from the committee on the judiciary, to whom was referred the petition of sundry inhabitants of Warsaw, in the county of Genesee,

REPORTED—

That the petitioners represent that there is a vacancy in the office of commissioner of deeds in the village of Warsaw, occasioned by the death of the recent incumbent ; that by the existing law, *that* vacancy cannot be supplied until the meeting of the board of supervisors in November next ; that the principal part of the business of a commissioner for that town, has been done in that village ; that it is a great inconvenience for the inhabitants to be obliged to go the distance now necessary, to get the business of a commissioner performed, and pray that a law may be passed authorising the judges of the county court to supply the vacancy.

Your committee have no reason to doubt that the inconveniences set forth by the petitioners do exist in some degree, though they have no facts before them to show how remote from the said village the other commissioner in said town resides, or to what distance the said inhabitants are compelled to travel to find one of the numerous officers who are in every county authorised to perform those duties.

The Revised Statutes provide that judges of county courts are the proper tribunals to designate the number of commissioners to be ap-
[A. No. 131.]

pointed in each town, and it is to be inferred that in this designation, that the judges have regard not only to the extent of territory, population and business of the inhabitants of the respective towns, in their apportionment of these officers, but that the probability of such vacancies occurring, is also a question which enters into their consideration, and from their knowledge of their own wants, are able to make a more judicious apportionment than any other power could do.

Your committee do not think the facts set forth by the petitioners, presents such a striking case of hardship as to call for a special act of legislation, to change, in this instance, the appointing power of these officers ; an act, which, in the opinion of your committee, would stand not only as a precedent to 7 or 800 other towns for like applications, but would sanction and invite into the legislature, applications and petitions of the most trivial nature, sufficient to occupy the attention of the House from the beginning to the end of the year, to the exclusion of those great questions of general interest, upon which we are more particularly called to act ; and as a question of pecuniary policy, your committee believe that if all the inconveniences of which the petitioners complain, were weighed against the time of this House, and the expense to the state in passing the act called for by the petitioners, it would add comparatively nothing in the opposite scale.

Your committee, therefore, have unanimously concluded to offer the following resolution :

Resolved, That the prayer of the petitioners ought not to be granted.

IN ASSEMBLY,

February 7, 1831.

REPORT

**Of the committee on the petitions of aliens, on the
petition of Joseph Wilfred Parkins.**

**Mr. Cargill, from the committee on the petitions of aliens, on the
petition of Joseph Wilfred Parkins, an alien,**

REPORTED—

That the petitioner states that he has large sums of money now on hand, unavailable in point of profit, and which he is desirous of investing in the purchase of real estate in this State, and he asks for a law permitting him to hold real estate, without manifesting any intention of becoming an American citizen, or abjuring his allegiance to the government of Great Britain.

In the opinion of the committee this is asking the Legislature to depart from a principle which the policy of our State requires should be held inviolable, and which, in the British government and others is never departed from. It is inconsistent and improper that an American citizen should hold as a tenant under an alien, and a man owing no allegiance to this State nor to the United States. This principle has, in one or two signal instances been departed from, in the early settlement of this State; and lands are now held under large alien landholders, residing in England and Holland, and which has been greatly regretted, and has been a source of great and extensive complaints to the Legislature.

The petitioner says he is desirous of investing his monies in lands rather than remit them to England. However disposed the committee may be to accommodate the petitioner, yet this consideration

would have no weight with the committee, when set in opposition to the preservation and integrity of this principle ; but they are inclined to believe that the petitioner will find no difficulty in investing his money in very productive stocks in this State, but on the contrary, will find such profitable sources of investment, that he will have no inducement to send his money to England. -

For these reasons your committee are of opinion that the prayer of the petitioner ought not to be granted, and therefore offer the following resolution :

Resolved, That the petitioner have leave to withdraw his petition.

IN ASSEMBLY,

February 7, 1831.

REPORT

**Of the committee on claims, on the petition of
John Shiland.**

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of John Shiland,

REPORTED :

The petitioner represents that he was the owner of lots 84 and 88 in John Williams' north tract, in the town of Putnam, in the county of Washington; that from 1808 to 1823, he was personally assessed for them, although he was a non-resident; that lot 88 was occupied and possessed by a family from 1809 to 1821; that notwithstanding, the collector returned lot 88 as non-resident, and that the taxes were unpaid for the years 1808, 1809, 1810, 1811 and 1812, for the non-payment of which they were sold by the Comptroller in 1815, and that the petitioner remained ignorant of the sale for eight years afterwards. He asks for reimbursement of the value of the land sold.

After a diligent and thorough examination, your committee are entirely satisfied that the petitioner has no claim for relief against this State. They are of opinion that the sale was unauthorised by law and vested no title in the purchaser. But if it was authorised, and the petitioner has suffered from the official misconduct of the assessors or of the collector, his remedy against them is ample, and the State is no more bound to indemnify him for their misconduct, than it would be for that of any other officers. In making the sale, the Comptroller acted ministerially; he had no discretion, and it is not, nor can it be pretended that he did not strictly perform the duty en-

joined on him by law. The liability of the State for the misconduct of officers, not appointed by its authority, and over whom it can exercise no control, can not be admitted. Nor can your committee perceive the justice of charging the town which elected those officers, with the loss sustained by the petitioner from their misconduct. If the principle be once admitted that the town is liable for the errors and faults of assessors and collectors, it is not perceived why it should not be equally liable for the delinquencies of constables and all other officers.

In the view of your committee, this ground is sufficient to justify the rejection of this petition. But as it has for several years been agitated in the Legislature, and similar applications may be expected, your committee have thought proper to state briefly the reasons which induce the opinion already expressed, that the sale was unauthorized, and that the title of the petitioner was not affected by it. It is somewhat doubtful whether the petitioner paid the tax on lot 88 specifically; he says he paid the tax on two lots. But he alleges that lot 88 was actually occupied at the time it was returned as non-resident land. If so, the assessors had no authority to return it, and so far as the principle is involved, they might as well have returned a horse or any other chattel. It was not within their jurisdiction, and the act authorising the sale of non-resident lands for taxes, therefore, never operated upon the lot in question. A series of decisions in the supreme court of the United States and of this State, has established beyond all question, that a party claiming under a sale for taxes, must show that every pre-requisite has been complied with; that the execution of the power to sell, must be in strict compliance with the law, and that no sale can be made of a citizen's property, unless authorised by express law. (See 6 Wheaton, 119; 5 Wheaton, 116; 4 Wheaton, 77; 9 Cranch, 64; 4 Cranch, 403.) In 8 Wheaton, 861, a sale was held invalid because the land had not been assessed to the true owner, and for other irregularities in the assessment. In 18 John. Rep. 441, a sale was declared inoperative where the tax had been paid to the collector, who returned it notwithstanding as unpaid. In 7 Cowen, 88, the principle is again recognized, and a sale of land was declared invalid for want of evidence that the tax had been demanded, as required by the law then under consideration.

In opposition to this view, it is intimated in the petition that the act under which the sale in question was made, declares that the

Comptroller's deed shall be conclusive evidence. But the question returns, of what shall it be conclusive evidence? The sale was made in 1815, under the act in 2d Rev. Laws of 1813, p. 517, §17, which declares that the Comptroller's deed shall be conclusive evidence "that the sale was regular according to the provisions of this act." This applies to the notice and other proceedings to effect a sale, and not to the assessment. Much less does it make the deed evidence that a case had arisen where a sale was authorised by law. It provides evidence of the *regularity* of the proceedings, and not that the case was one where any proceedings could be had to effect a sale. It would be an unheard of stretch of power, to declare that the acts of any ministerial officers should be conclusive evidence of their own jurisdiction over the subject matter. Even judgments of courts of the most extensive authority, are not evidence of their jurisdiction; *that* may be questioned at all times, and even consent does not confer it. Your committee can not doubt therefore, that in this case, the Comptroller's deed is no evidence whatever of the correctness of the original assessment, or if it be presumptive, that it may be repelled. The petitioner therefore has suffered no injury from the sale of his lot; his title is as perfect as it was before.

Your committee recommend to the House the adoption of the following resolution:

Resolved, That the prayer of the petition of John Shiland be denied.

IN ASSEMBLY,

February 7, 1831,

REPORT

**Of the committee on claims, on the petition of
Huldah Moger.**

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of Huldah Moger,

REPORTED—

The petitioner alleges that she is sister and one of the heirs of Joseph Hubbard, a revolutionary soldier, and prays for a grant of the bounty lands promised to those who enlisted to serve in the line of this State for the war. The document already so often referred to by your committee, in the office of the Secretary of State, which is a register of the muster rolls of the New-York regiments, shows that on the 1st of January, 1777, Joseph Hubbard enlisted as a corporal in Col. Livingston's regiment, and probably in Capt. Housen's company, for *during the war*, and that he died in service on the 16th October, 1780. These facts are also corroborated by sundry affidavits produced by the petitioner.

The evidence is not only satisfactory, but entirely conclusive, that he came within the resolutions promising bounty lands; and your committee can discover no reason why his heirs should not receive those lands or an equivalent. Perhaps they have not technically inherited a legal claim; but in the opinion of your committee, it would not comport either with the character or dignity of this State to shelter itself behind a statute of limitations, or any other mere technical exception, to avoid the extinguishment of a claim perfectly just and undeniably equitable; and in the present case, there is great

[A. No. 171.]

reason to doubt whether this petitioner would be precluded by any statute of limitations. But an investigation of that point is waived, because the government of the State has for the last thirty years constantly disregarded the statute which probably was intended only as a limitation on the authority of the Commissioners of the Land-Office. But the proof respecting the heirs of Joseph Hubbard is not so satisfactory as to justify your committee in determining who they are. It is proposed therefore to refer this question to the Commissioners of the Land-Office. As there is no more land to satisfy this claim, your committee is constrained to propose the payment of such a sum as, under all the circumstances, appears to be a fair equivalent. They have accordingly instructed their chairman to introduce a bill conformable to these views.

IN ASSEMBLY,

February 7, 1831.

REPORT

Of the committee on the erection and division of towns and counties, on the petition of inhabitants of the town of Hinsdale, Cattaraugus county.

Mr. Knight, from the committee on the erection and division of towns and counties, to whom was referred the petition of inhabitants of the town of Hinsdale, in the county of Cattaraugus,

REPORTED—

That they have examined the petition of said inhabitants, from which it appears that the course of the roads, streams, ravines and hills, render it inconvenient for the inhabitants to meet at one place for the transaction of public business.

And from the accompanying map it appears that the present town of Hinsdale comprises a territory of seventy-two square miles. And that the population, by the late census of the United States, is nine hundred and nineteen.

Your committee are of opinion that the prayer of the petitioners ought to be granted, and have prepared a bill, and ask leave to introduce the same.

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IN ASSEMBLY,

February 7, 1831.

REPORT

Of the select committee on the petition of inhabitants of the county of Kings, in relation to the jail liberties of said county.

Mr. Downing, from the select committee to which was referred the petition of sundry inhabitants of Kings county, praying for the passage of a law to enlarge the jail liberties of that county,

REPORTED—

That it appears from the petition referred to the committee, that the jail of the county of Kings is located at a place which is but thinly populated, and consequently that the territory constituting the limits, affords but little employment to the debtors confined therein. That the greater part of those who avail themselves of the liberties of the jail, are from the other parts of the county, and find it almost impossible to find employment within the limits as now established, to obtain the means of subsistence, and they pray for an extension of the liberties so as to include the territory comprising the whole of Flatbush and Brooklyn.

Your committee believe these representations to be correct, and they are of the opinion that justice and humanity require that their prayer be granted. The debtor, at the same time that he will be enabled to obtain employment and provide for his own subsistence, may, by this enlargement, be afforded an opportunity of earning and rendering to his creditor what is his due. For these reasons your committee ask leave to introduce a bill in conformity with the view of the petitioners.

[A. No. 173.]

No. 174.

IN ASSEMBLY,

February 7, 1831.

REPORT

Of the select committee on the petition of Nancy Chapman.

Mr. Stilwell, from the select committee on that part of the Governor's message which relates to imprisonment for debt, to whom was referred the petition of Nancy Chapman, of the city of Troy,

REPORTED :

The petitioner represents that in the summer of 1829, A. P. Heath & Co. sued her for a debt amounting to seventy dollars. That in the month of October of the same year, she was arrested at their suit on a ca. sa., and confined in the jail of the county of Rensselaer, and that not having been able to satisfy the demand, she has been continued in execution to this time. She concludes her petition by praying this Legislature to release her from imprisonment.

From the facts set forth in the petition, your committee are induced to believe that the petitioner is not aware of the provisions of the law relative to female debtors. At the time the suit was brought against the petitioner, a female could be imprisoned on an execution issuing from any except a justice's court. But since that time, your committee find on referring to the Revised Statutes, part second, p. 428, that the law has provided for cases of this kind, by declaring that no female shall be arrested or imprisoned on any process, in any civil action founded on contract.

From the representation of the petitioner, it appears that she is imprisoned on a judgment founded on a contract. If her statements

[A. No. 174.]

are true, there is no authority under our laws which can continue her in prison.

The committee not being aware that any additional law could be of service to the petitioner, and believing that the application is founded in ignorance of her rights, have directed their chairman to offer the following resolution :

Resolved, That the committee be discharged from the further consideration of the petition of Nancy Chapman, and that she have leave to withdraw her petition.

IN ASSEMBLY,

February 7, 1831.

ANNUAL REPORT

**Of Henry Strang, and Inspector of Beef and Pork
for the county of Westchester.**

To the Honorable the Legislature of the State of New-York.

The following is a statement of the number of barrels of provisions inspected by the undersigned, Henry Strang, inspector of beef and pork for Westchester county, New-York.

Inspected from the 1st of January, 1830, to the 1st of February, 1831,

110 barrels prime pork, fees 15 cents per barrel,	\$16 50
32 " mess " " " "	4 80
	<hr/>
	\$21 30
	<hr/>

HENRY STRANG,
Inspector.

Rye, Westchester Co. Feb. 1, 1831.

[A. No. 175.]

1

IN ASSEMBLY,

February 7, 1831.

ANNUAL REPORT

Of George Charles, an Inspector of Leather for the
city of Albany.

Amount of leather inspected by George Charles, from 1st January,
1830, to 1st January, 1831.

6,718 sides sole leather, fees at 4 cents per side,	\$268 72
914 " harness and skirting, fees at 2 cents per side, ..	18 28
	<hr/>
	\$287 00
Deduct for man's wages,	35 87
	<hr/>
	\$251 13
	<hr/>

GEORGE CHARLES,
Inspector.

Albany, Jan. 1, 1831.

[A. No. 176.]

IN ASSEMBLY,

February 8, 1831.

REPORT

Of the committee on colleges, academies and common schools, on the memorial of the commissioners of common schools in the town of Brooklyn.

Mr. Morehouse, from the committee on colleges, academies and common schools, to whom was referred the memorial of the commissioners of common schools in the town of Brooklyn, praying the passage of a law authorising the commissioners to sell the school-house and lot belonging to district No. 1 in said town, and to apportion the avails thereof among the districts to be formed therefrom,

REPORTED:—

That it appears from the memorial that application has been made to the memorialists to divide district No. 1 in the town of Brooklyn, into three or more districts; and that they have deliberated upon and preliminarily decided in favor of such application, but have deferred completing the same for the reason, as alleged, that the present provision of the statute requiring the district retaining the property of the former district, to pay the amount justly due to the new districts, as their proportion of such property would require the imposition of an unusually heavy tax upon the inhabitants of the district keeping the school-house and other property now belonging to the undivided district.

It appears as well from the memorial as a remonstrance upon the same subject referred to the committee, that the citizens of Brooklyn are divided in opinion as to the propriety and utility of the contemplated alteration of the district. Most of the facts detailed in the

[A. No. 177.]

memorial and remonstrance are of a nature to be applicable to the decision of that question only, and your committee do not feel themselves called upon to express an opinion upon a case already in effect adjudged by a legitimate and competent authority. In forming a new district from one or more districts possessed of a school-house, the commissioners are simultaneously to ascertain and determine the amount justly due to such new district, and the mode of ascertaining it is prescribed by the statute. If the memorialists discharged that part of their duty, they have not stated the amount so as to enable the committee to judge whether levying the same upon the taxable inhabitants of the district retaining the property, would or would not be oppressive. Allowing the intimation of the commissioners as to the value of the property to be correct, there is no evidence that those inhabitants are unwilling to become its proprietors upon the terms provided by law in such cases, and the present application in their behalf seems to have been voluntary on the part of the memorialists. If in the exercise of their unquestionable power of forming new districts from the old, or if in determining the amount due to such new districts, persons shall be aggrieved by the commissioners, they have an adequate remedy in the appeal allowed to the superintendent of common schools.

The committee cannot anticipate a case in which any plain or gross injury in resolving those questions may be done to the inhabitants of a district, while the wisdom and justice of the commissioners would be unimpeachable. When it shall happen, it will be the appropriate duty of the afflicted to seek relief; and there is nothing in the history of past legislation calculated to dissuade the meritorious from solicitation.

The committee are of opinion that the provisions of the Revised Statutes applicable to such cases, generally are sufficient for the peculiar exigencies of the one under consideration; and they have instructed their chairman to offer the following resolution:

Resolved, That the prayer of the memorialists ought not to be granted.

IN ASSEMBLY,

February 9, 1831.

REPORT

Of the committee on trade and manufactures, in obedience to a resolution instructing the committee to examine the annual report of the inspector of flour in the city of New-York.

Mr. Bogert, from the committee on trade and manufactures, in obedience to a resolution of the House of the 7th instant, instructing the committee to examine and report whether the report of the inspector of flour in the city of New-York, is such as is required by law,

REPORTED—

The Revised Statutes (vol. 1, p. 573,) provide that “every inspector acting under any article of this title,” (including the inspector of flour in the city of New-York,) “shall report annually to the Legislature, and on or before the first day of February in each year, the quantity, and, as near as may be, the quality and value of the produce, provisions, or merchandize inspected by him during the year ending on the first day of January next preceding the making of such report, together with the amount of the fees and emoluments derived from his office ; and shall also communicate in his report such information possessed by him, as may tend to the improvement of the quality, or increase in the quantity, of the article subject to his inspection.”

[A. No. 178.]

The section quoted embraces the whole duty of the inspector in relation to the report which he is required to make to the Legislature. The question is whether he has complied with the requisitions of the law?

On referring to the annual report of the inspector, which will be found among the documents of the House, No. 88, it will be seen that the report has been made within the time prescribed by law, having been received on the 24th January.

The requirements of the law, as it relates to the quality, the quantity, and the value of the flour and meal inspected have been fully complied with, as will be seen by a reference to the report itself.

No suggestions have been made by the inspector, which, in his opinion, might tend to improve the quality or increase the quantity of the articles which it is his duty to inspect; nor any information communicated on the subject, which might induce legislation with reference to this branch of our inspection laws. The presumption therefore is, that the inspector deems the existing regulations to be sufficient, and that he has no information which he judges to be of importance to communicate.

The only deficiency which the committee can discover in the annual report of the inspector is, that instead of stating the whole amount of fees and emoluments derived from his office, he merely enumerates the rates of fees for performing the various duties imposed upon him as they are regulated by law.

In this respect the report is undoubtedly defective. The gross amount of receipts can however be readily calculated, as the number of hogsheads and barrels are given, and the fees stated.

Although the attention of the committee has been directed specially to the report under consideration, it may not be amiss to remark that a very careless manner of reporting by inspectors generally, has obtained. By this means, the very object of the law is, in a great measure, defeated.

The committee have not deemed it necessary to suggest any legislation upon this subject at present, especially as the law already

provides for the punishment of such inspectors as shall not comply with the requisitions.

By reference to the Revised Statutes, page 573 of vol. 1, it will be perceived that a penalty of two hundred dollars is imposed in case of non-compliance with the requirements of the law.

IN ASSEMBLY,

February 9, 1831.

REPORT

Of the committee on canals and internal improvements, on the petition of Henry Thalimer.

Mr. Edmonds, from the committee on canals and internal improvements, to whom was referred the petition of Henry Thalimer, praying compensation for labor in the construction of the Champlain canal,

REPORTED—

That the petitioner's father, Peter Thalimer, in 1822, contracted for the excavation of section No. 175, on the Champlain canal ; and in the execution of his contract, encountered such unforeseen difficulties as to induce him to notify the Canal Commissioners that he must abandon his contract.

The petitioner was then at work for his father on this section, and in consequence of the infirm health of his father, was, in fact, the individual upon whose exertions the completion of the contract depended.

And the petitioner alleges that the acting Commissioner, in order to induce him to continue his labors, promised the petitioner that a just and equitable allowance should be made to him for his extra work, arising out of such unforeseen difficulties. That, confiding in such promise, he did continue his labors and complete the contract. That his father afterwards received his pay at the contract price only, and that no allowance for the extra work on that section has been made either to the petitioner or to his father.

For that extra work the petitioner now claims compensation of the State, and he rests his claim upon the promise of the Commissioner.

If that claim is well founded, it appears to your committee that it ought to be made directly to the Canal Board. By the petitioner's own showing, he was in fact a contractor for that extra labor, and the law now provides an abundant relief for such cases, in the discretionary powers conferred upon the Canal Board. He ought first to make his application there; and until he can make it appear that the remedies now provided by the law are entirely inadequate to his relief, he can have no just claim to other and different remedies.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That Henry Thalimer have leave to withdraw his petition.

IN ASSEMBLY,

February 9, 1831.

REPORT

Of the committee on claims, on the petition of Barnet Bond.

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of Barnet Bond,

REPORTED :

In April 1828, the petitioner was navigating the Champlain canal with a boat called the Bee, which he secured in the night time, in the basin below Fort-Miller. In the course of the night, the water in the basin fell, in consequence of the wicket gates, at the guard gates above, being closed, while the water was drawn off by boats passing through the locks below. The lock-tender appears to have done his duty ; but it is supposed that some persons passed in the night who left the wicket gates closed. In consequence of the fall in the water, the boat of the petitioner sunk upon the ground, and in some manner, not perfectly understood by your committee, the cargo of the boat, which seems to have consisted chiefly of lime, took fire in coming in contact with the water, and the boat and cargo were lost.

This case presents the single, distinct and naked question, whether the State is under any legal or equitable obligation to indemnify persons navigating the canal for injuries they may sustain by the carelessness or misconduct of other persons having the same right to use the canal. And it seems to your committee that it is only necessary to state the question thus distinctly and plainly, to ensure an unequivocal answer. The State has provided a great highway for the convenience of its citizens and others, and for its use exacts

[A. No. 180.]

a moderate toll. It has not undertaken to ensure them against any losses they may sustain in using that highway, either from accidental floods or storms, or from the carelessness or wilful misconduct of any persons, who are not its own officers. And it seems to your committee that the State might as well be called upon to indemnify for injuries sustained by persons travelling on the common highway, or on a turnpike, as for those sustained on the canal. When the question arises, whether the State should pay for losses sustained in consequence of the neglect of duty of its own officers, it will be time to discuss it. No such question is presented by the present case.

The committee recommend to the House the adoption of the following resolution :

Resolved, That the prayer of the petition of Barnet Bond be denied.

IN ASSEMBLY,

February 9, 1831.

REPORT

Of the committee on claims, on the petition of
Joseph Minard.

Mr. J. C. Spencer, from the committee on claims, to which was
referred the petition of Joseph Minard,

REPORTED—

The petitioner represents himself to be the only surviving heir of Antoine Minard, a Canadian refugee, and prays for a grant of eight hundred acres of land, as the bounty promised to the refugees serving in Livingston's regiment in the army of the revolution. By the act of 11th May, 1784, the Commissioners of the Land-Office were directed to grant to the refugees named in certain returns specified in the act, the following quantities of land, viz : To the commissioned officers, one thousand acres, and to other persons, five hundred acres, each. Upon the returns specified, which are printed with the balloting book, the name of Antoine Minard appears as a private; and it is certain that he has received five hundred acres of land. By the sixth section of the act entitled "An act for granting lands for military services to the persons therein named," passed April 11, 1808, the Commissioners of the Land-Office are directed to grant to the heirs of Anthony Maynard, deceased, a Canadian refugee, two hundred acres of land. Pursuant to which law, letters patent were issued for two hundred acres of land, on the 30th March, 1816, to Benjamin Mooers, who produced an assignment from the heirs of Anthony Maynard, and among them, from Joseph Maynard, who is presumed to be the present petitioner. These facts your committee have ascertained by inquiries at the Secretary's office, and they show that Minard and his heirs have already received two hundred acres

[A. No. 181.]

of land more than he was entitled to, unless he was a commissioned officer. Upon that point, it seems to your committee, that the return of his name and grade, should be deemed conclusive. But if it be admitted to be open to explanation or contradiction, the evidence offered by the petitioner is quite unsatisfactory. There are two affidavits of refugees, purporting to have been taken in the year 1800, which say that Minard was a captain in Hazen's corps. Your committee can easily conceive that in such an irregular corps, many individuals might have the appellation of officers, without being commissioned. And from the affidavit of Alexander Fevrich attached to the petition, such appears to have been the fact with regard to Minard; for while the affidavit states that he was called captain Minard, it adds that he was a soldier in Capt. Oliver's company in Hazen's regiment. Taking this affidavit in connection with the return before mentioned, it would seem that there could be no pretence that Minard was a commissioned officer. And if his heirs had any valid claim in 1808, to more than the 200 acres which were granted in addition to the 500 previously granted, it is unaccountable why it was not then recognized. But your committee are of opinion that those heirs were not entitled to the 200 acres last mentioned, and that the grant thereof was improvident. In every view, your committee deem this claim one of the most frivolous and unfounded that has been presented to the Legislature; and they recommend to the House the adoption of the following resolution:

Resolved, That the prayer of the petition of Joseph Minard be denied.

IN ASSEMBLY,

February 10, 1831.

REPORT

Of the committee on the militia and the public defence, on the petition of the officers of the ninth brigade of New-York State Artillery.

Mr. Myers, from the committee on the militia and the public defence, to whom was referred the petition of the officers of the ninth brigade of New-York State artillery,

REPORTED—

That the ninth brigade has been organized as field artillery, and that the regiments composing the same, are trained to the use of cannon only, and that they may be considered a corps of cannoniers from the nature of their service: Their duties are arduous and laborious, and under the existing law, expensive to the officers; it requiring a large number of horses to drag their field pieces, which are six and nine pounders, and to draw their caissons or ammunition wagons. As no privileges are by law granted to the privates who conduct the same, more than is allowed to other privates of that or any other brigades of artillery, for their services, including the use of their horses, although by the 35th section of title ten, chapter ten, first part of the Revised Statutes, every officer, non-commissioned officer, musician and privater, in any troop or company of light artillery, attached to the 1st and 6th brigades, are exempted from the payment of taxes on \$1000 of their real and personal estate. And they ask the same extension of privileges for the horsemen of their brigade. And in consequence of the heavy duty they are bound to perform, they also petition to have the number of parades reduced

to six and not exceeding eight times in each year; and that the number of brigade drills of officers be reduced to two in each year.

The committee having taken into consideration the peculiar nature of their service, are of opinion that the prayer of the petitioners is reasonable and just, and have directed their chairman to report a bill.

IN ASSEMBLY,

February 10, 1831.

ANNUAL REPORT

Of A. Wilson, an Inspector of Beef and Pork for
the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

I beg leave to report for your information, that I have inspected in this city, from the 1st of January, 1830, to the 31st December, 1830, the undermentioned provisions.

284	barrels	mess	beef.	
101	half	barrels	mess	beef.
2,430	barrels	prime	beef.	
16	half	barrels	prime	beef.
98	barrels	cargo	beef.	
168	"	unbrandable.		
238	"	mess	pork.	
637	"	prime	"	
363	"	unbrandable.		

Amount of fees received, \$632 70

I remain, respectfully,
Your ob't. servant.

A. WILSON,
Inspector.

New-York, Feb. 7th, 1831.

IN ASSEMBLY,

February 10, 1831.

ANNUAL REPORT

Of Andrew H. De Witt, an Inspector of Lumber for
the city and county of Albany.

To the Honorable the Legislature of the State of New-York.

Statement of the quantity of lumber, measured and inspected by
Andrew H. De Witt for the year ending 31st December, 1830, to-
gether with average prices of sales.

Feet.

87,340 first quality pine boards, average price...	\$28 per M:
176,228 second " " " ...	18 "
187,143 third " " " ...	13 "
843,114 fourth " " " ...	9 "
512,028 whitewood boards, average price,	10 "
33,551 first quality whitewood plank, average price,	25 "
48,307 second " " " " ...	13 "
30,506 cherry boards, average price,	20 "
5,020 basswood boards average price,	5 "
4,121 maple boards and joist, average price,	10 "
23,712 ash plank, average price,	13 "
56,914 spruce and hemlock timber, average price,	8 "
11,017 oak plank, average price,	12 "

2,019,001 feet in all, inch measure, excepting the whitewood
plank, which is 2 inch.

Amount of fees received, \$721 62

ANDREW H. DE WITT,
Inspector.

Albany, February 10, 1831.

[A. No. 184.]

IN ASSEMBLY,

February 10, 1831.

ANNUAL REPORT

Of Henry Salsbury, an Inspector of Lumber for the city and county of Albany.

To the Honorable the Legislature of the State of New-York.

Statement of the quantity of lumber, measured and inspected by Henry Salsbury for the year ending 31st December, 1830, together with average prices of sales.

Feet.					
105,529	first quality pine boards,	average price...	\$28	per M.	
200,458	second	" " "	18	"	
209,011	third	" " "	13	"	
1,022,158	fourth	" " "	9	"	
212,919	whitewood boards,	average price,	10	"	
38,551	first quality whitewood plank,	average price,	25	"	
51,293	second	" " " "	13	"	
40,173	cherry boards,	average price,	20	"	
23,644	oak plank,	average price,	12	"	
10,058	basswood boards	average price,	8	"	
13,400	maple boards and joist,	average price,	10	"	
60,038	ash plank,	average price,	13	"	
101,721	spruce and hemlock timber,	average price,	8	"	

2,088,953 feet in all, inch measure, with the exception of whitewood plank.

Amount of fees received, \$753 37

HENRY SALSBUY,
Inspector.

Albany, February 10, 1831.

[A. No. 185.]

IN ASSEMBLY,

February 16, 1831.

REPORT

Of the committee on trade and manufactures on the petition of sundry flour merchants and others of the city of New-York, and also on the petition of John Townsend and others of the city of Albany, relative to the inspection of flour and meal.

Mr. Murphy, from the committee on trade and manufactures, to whom was referred the petition of sundry flour merchants, millers and citizens of the city of New-York, also the petition of John Townsend and others of the city of Albany, praying for amendments to the law regulating the inspection of flour and meal in the city of New-York,

REPORTED:

That they have examined the petitions and papers to which they refer. It appears that favorable impressions have long been entertained, that the law regulating the inspection of flour and meal in New-York would admit of beneficial amendments. In 1828, much excitement seemed to prevail throughout the state on this subject. Petitions were presented from the south and the west which, from the number and the respectability of the signatures, were calculated to give the most favorable impressions towards the prayer of the petitioners. A meeting was called at the Merchant's Exchange, in the city of New-York, at which time a committee of five of the most respectable merchants were selected, to prepare a bill in accordance with their petition, and proceed to the city of Albany to endeavor to effect its enactment. This committee performed the duties assigned them, and presented their petition to the Honorable the Se-

[A. No. 188.]

nate, which was referred to the committee on trade and manufactures, of which the Hon. Truman Enos was chairman. Mr. Enos made an unfavorable report, but has subsequently been convinced that he was in error.

In 1830, petitions and statements were presented to the Honorable the Legislature, emanating from men of high standing concerned in the manufacturing and selling of flour, to carry the object of 1828 into effect. Mr. Woodward of the Senate, chairman of the committee on trade and manufactures, made a favorable report, and presented a bill to the Senate which was favorably received, but from the lateness of the session, did not become a law. Petitions were again presented, which, from the number and high standing in society of many of the signers, would certainly seem entitled to the serious consideration of this House. The documents presented to your committee all go to show that the public good requires the appointment of three inspectors of flour and meal for the city and county of New-York, and that a less number could not discharge the duties of the office if they personally attended to the inspection of flour themselves.

Your committee are not inclined to suppose that the Legislature of this State would sanction the continuance of an office in its present form, of which an incumbent could not, if disposed, discharge but a portion of the duties himself. It is impossible, from the large quantities of flour that are offered for inspection in the city of New-York, that its duties can be performed by one man in any other way than holding it as a sinecure. It may be said, that if the income is too large, the fees may be curtailed, and the office remain undivided. But this would leave the important duties of this station to be mainly performed by irresponsible deputies, without the actual skill and attention of a respectable head.

In Baltimore, as your committee are informed, the standard is higher than in any other city in the United States. They have three inspectors of flour, who personally attend and inspect all flour offered for inspection. The city is divided into districts, and the inspectors change districts weekly. They have a standard fixed for each and every kind of flour, by which each and all inspectors are governed. The emoluments of the office are equally divided, after paying all expenses. Every avenue that might lead to lessening the character or standard of their flour, is guarded; while, on the other hand, every inducement is held out to sustain the high repu-

tation which the staple of their state has acquired. To maintain this state of things, men of long experience and unsuspected integrity, are selected as inspectors. They receive their commissions from the highest appointing power, and are obliged to brand the initials of their names on every barrel of flour they inspect. In this manner, if any error is made, and not immediately discovered, it may be certainly traced to him who committed it.

Another important regulation prevails in that city. If a man has a lot of flour to inspect, and he thinks the inspector, who may commence inspecting it, does not do him justice, he may send for another in whose judgment he may have more confidence ; if the two disagree, the third must attend, and the decision of either two is final.

In this manner the petitioners wish the law, regulating the inspection of flour for the city and county of New-York, amended. From the general reasons influencing this subject, and from the ascertained results of the system pursued in the city of Baltimore, your committee have come to the conclusion, that the desired alterations will prove decidedly favorable to the interests of this important staple of our commerce.

Your committee have also become satisfied that the fees now paid for the inspection of flour, are exorbitant, and, therefore, recommend that they be reduced from a cent and a half per barrel, to one cent.

Your committee have, therefore, prepared a bill accordingly, and ask leave to introduce the same.

IN ASSEMBLY,

February 16, 1831.

REPORT

Of the Attorney-General, to whom was referred by the Assembly the Petition of Samuel Barnum for relief from a Judgment in favor of the People of this State.

The Attorney-General, to whom was referred, by the Assembly, the petition of Samuel Barnum for relief from a judgment in favor of the people of this State,

RESPECTFULLY REPORTS :

That on the 15th day of April, 1828, an act was passed to loan the credit of the people of this State to the President and Directors of the Neversink Navigation Company. Laws 1828, p. 271. The amount of the loan was ten thousand dollars ; and for securing the people for the risk and responsibility incurred by the pledge of their credit, the Neversink Navigation Company were to mortgage to the people all their rights and privileges in the Neversink river, as the same had been granted to the company by the legislature : and the president of the company was to give good and sufficient security to the people, that the amount of the loan should be applied to the improvement of the said navigation, or the works thereunto belonging, so far as the same might be required for the purpose of rendering the said river safe and easy for the passage of rafts thereon. The loan was made in May 1828, upon the execution of a mortgage as required by the act, and a bond of the said corporation, with Hezekiah Howell and Samuel Barnum, as sureties, in the penal sum of twenty thousand dollars, conditioned that the company should honestly and faithfully apply the loan in the manner mentioned in the act. The forms of those securities, as well as other information in relation to the loans, will be found by referring to a report of the Comptroller to the last legislature. (Legislative Dec. of 1830, No. 49.)

By a report of the committee on canals, (Leg. Doc. of 1830, No. 358,) it appears, among other things, that Otto W. Van Tuyl, the president of the Neversink navigation company, instead of having appropriated the amount of the loan, "to the improvement of the said navigation, or works thereunto belonging," according to the provisions of the act, had applied at least eight thousand dollars of the amount to his own private use. Upon hearing that report, a resolution was adopted by the legislature, (Senate Journal, 1830, p. 210, 211,) directing the Attorney-General forthwith to investigate the question as to the legal liabilities of the obligors to the bond, and to prosecute the same for the recovery of any monies forfeited to the State thereupon, if in his judgment such suit could be successfully maintained. Upon such investigation the Attorney-General was satisfied that the loan had been misapplied to the extent mentioned by the canal committee, that the monies actually expended had produced no beneficial results, and that a suit might be successfully maintained upon the bond. A suit was thereupon commenced against the sureties, Hezekiah Howell and Samuel Barnum, which was tried at the Sullivan circuit, in October last; and upon a full investigation of the facts, a verdict was rendered in favor of the people, and the damages, on the breach assigned in the declaration, were assessed by the jury at eight thousand dollars. On the third day of November last, a judgment was perfected on the verdict, and for the costs of the suit, amounting to \$72.83; and an execution was immediately issued to the sheriff of the county of Sullivan. No suit was brought against the company for the reason that their corporate property, if not utterly worthless, had been conveyed to the State by the mortgage already mentioned.

An affidavit of the petitioner accompanies the papers, in which he says, that at the time he signed the bond in question, he supposed "he signed as one of the directors of said company, and not as security for the repayment of the money in case said company failed or neglected to apply the same agreeably to the act." If this representation be correct, the petitioner has been defrauded as well as the State. But this statement does not accord with that made in the petition. The petitioner there says, that by the act granting the loan, the company was required "to give security for the faithful and proper application" of the money: And that "having confidence in the integrity of the managers of the company, he, together with Hezekiah Howell, did become security for the proper application of the loan." And he asks for relief, not on the ground that he signed

as a director of the company and not as its surety, but on the ground that all his real and personal property is not worth above the sum of twenty-five hundred dollars ; that he is advanced in years, and that the enforcement of the judgment would leave him and his family destitute of the means of support. A reference to the bond will also show that the petitioner did not sign as a director, but as surety for the company.

The statements made by the petitioner in relation to the value of his property, and the circumstances of the other surety, are believed to be substantially accurate. Whether either justice or sound policy requires that he should be released from the obligation of his contract, so far as he has the means of discharging it, is a question upon which the Attorney-General does not suppose his opinion was desired.

Respectfully submitted.

GREENE C. BRONSON,
Attorney-General.

February 16, 1831.

IN ASSEMBLY,

February 15, 1831.

REPORT

Of the select committee on so much of the Governor's message as relates to imprisonment for debt, &c.

Mr. Stilwell, from the select committee to whom was referred that part of the Governor's message which relates to imprisonment for debt and the punishment of frauds, also the several petitions presented to this House on that subject,

REPORTED :

The committee have entered upon the important duties assigned them, with an anxious desire to place before the House accurate information upon the subject to which their attention has been directed. In the examination of this question more than ordinary latitude will be taken—a range in some measure commensurate with its importance. No views or opinions will be withheld, that may tend in any degree to throw light on the subject, or be in any manner instrumental in leading the mind to a correct conclusion.

The detail of facts which have come to the knowledge of the committee, and the arguments drawn from them, will enable the House, while it passes their decision in review, to trace out such errors, as from mis-conception of facts or illogical conclusions, may have been inadvertently adopted.

According to the rule usually observed (when petitions are presented for redress of grievances,) we shall first inquire whether any evil actually exists, and if we are satisfied of its existence, we shall then propose a remedy.

[A. No. 190.]

Many laws which are now found in our statute books, and which are binding on our citizens, date their origin beyond the period of our independence, and are to be found on the rolls of the British Parliament and among the archives of the colonies. Many were imported as the rules adopted by the mother country, long before her partial regeneration, and were enacted by the colonial Legislatures long before the influence of a free press had extended the knowledge of the rights of man. It is not matter of astonishment that oppressive laws should have been enacted; that a people ignorant of the principles of self-government should have consented to their existence, and that men should have been found willing to enforce laws opposed to every principle of justice and humanity; but it is always a subject of regret that men can *now* be found willing to continue them in force. Among the acts of Parliament and the decisions of courts which have been adopted by us as authority for our judiciary, we find principles avowed that cannot harmonize with the views now entertained by the liberal and the wise of all countries.

Although, by a declaration of independence, we have distinctly proclaimed to the world the incontrovertible principles on which are founded our natural rights—although we have framed constitutions founded on those principles, and have *denounced* many of the doctrines and *precedents* by which England is governed—yet, it cannot be denied that we are still subservient to the laws and customs which we thus condemn, and are now following them, in direct opposition to many of the axioms on which our government is founded. This disposition to act in contradiction to the principles we avow, can easily be discovered in that readiness with which the mind yields to the force of habit, without the labor and investigation required to make out and demonstrate necessary plans of reform. We are more willing to endure the wrongs and evils which are known, than venture upon untried paths, exposed to imaginary dangers and difficulties which we cannot measure. The effect of early education induces us to look with indifference upon sorrow and suffering; and therefore it is that we see in parts of this happy land wise and good men witnessing oppression and slavery without a painful emotion.

We can attribute this to nothing but a constant recurrence of the same scenes—to habit, which eventually makes wrong appear right, and right wrong: or to the fact, that those in whose power a remedy is placed do not feel the evils under which others labor. When

wrongs are felt by the wealthy and the intelligent, they are soon and easily removed ; but when the poor and the unfortunate are the only sufferers, a long catalogue of privations and grievances must be exhibited before redress can be obtained. The cries of the slave will long be heard before the sympathies of the master will be awakened—the voice of the poor is feeble and petitioning, that of the rich, powerful and commanding.

The laws for the imprisonment of debtors, to which the attention of the committee has been directed, give ample illustration of the tendency of wealth to the oppression of the poor, and the inclination of the powerful to distress the weak. These laws place in the hands of the creditor every right and every privilege which the free principles of our institutions declare to be sacred. To examine these laws and their effects upon society has now become our duty ; and although we are not anxious to overthrow ancient customs and usages, although many of us fear to alter or repeal laws which have long existed, and apprehend that we may not be benefited by the change ; yet there are others who are fully persuaded that there is a point at which our fears of alteration must cease, and where the mind, resolving the rules of conduct into their original principles, should ascertain whether those established, tend to the good government and happiness of man. All will admit that laws should not be changed without the best evidence of their inutility or improper operation ; and with this view, we have sought for information concerning the nature and effect of the laws for imprisonment for debt.

In examining this subject, the facts and arguments will be more easily understood by dividing it into the three following distinct propositions.

First. Whether the failure to pay a debt is evidence of wrong done, and if so, whether the punishment is properly inflicted.

Second. Whether the creditor obtains a right over the person of the debtor, in consequence of the failure to pay.

Third. Whether imprisonment is the only means which can be effectually used for the collection of debts.

It is now a settled maxim among enlightened men, that “ *imprisonment is only justifiable when it is intended as punishment for an offence committed, or to prevent the committing of an offence.* ” If this maxim be correct, it will become our duty to inquire, how far

the charge of "non-payment of a debt," implies crime, and under what circumstances, and in what degree, a debtor is properly liable to his creditor? It will not be necessary to prove, that *indebtedness* is not a *crime*, and that *misfortune* is not an *offence*; this is admitted. But we are met with the assertion, that the object of imprisonment for debt is not punishment; that it is intended only as a means of *coercing payment*. We are not disposed to controvert this point, but are willing to admit that debtors are imprisoned for the purpose of compelling the payment of debt, and the discovery of frauds. That the object is, to compel him to do that which he has *not done*, and which the creditor *asserts* he is able to do. The object of imprisonment being thus ascertained, namely, to compel a debtor to pay where he has the ability to do it; we shall find no difficulty in determining *when* a debtor ought to be imprisoned. He ought to be imprisoned when he conceals, or withholds his property, with the design to avoid the payment of his debts. This charge presents his conduct as dishonest and criminal, and should subject him to punishment. When, however, the ability to pay does not exist, (and it should never be presumed, but proved,) he ought not to be deprived of those privileges which are the birth-right of every man, without evidence of crime.

We have stated, that the legitimate object of imprisonment, is to "*enforce payment, when the debtor is able to pay.*" If, however, he has not the means of payment, then the right to imprison does not exist; for the non-payment affords no evidence of moral turpitude or criminal intent, and without such evidence, we have no authority to invade the right of personal liberty. Inasmuch, therefore, as it lays at the foundation of all laws, that crime cannot be presumed; that you must give satisfactory evidence of guilt; so, in the case of withholding payment of a debt, the ability to pay ought not to be presumed, but proved, and the debtor ought not to be imprisoned until you prove his ability to pay. For by proving that ability, you show a criminal and fraudulent intent, namely, *secretly withholding his property from the just demands of his creditors*. How does the law of imprisonment now stand, under the system which we have derived from our ancestors? We *presume* the debtor able to pay, confine him in a jail, and let him remain there for ever, without evidence of moral turpitude, unless he can draw upon the charity of his friends for the means of payment. In the face of this, we have a constitution which says the accused shall enjoy the *right to a speedy and public trial, by an impartial jury, where the offence*

shall have *been* committed ; shall be confronted with the *witnesses* against him, and shall not be *compelled*, in any criminal case, to be a witness *against himself*, nor be deprived of life, *liberty*, or *property*, without due process of law ; and that he shall be entitled to compulsory process for obtaining witnesses in his favor, and have the assistance of counsel assigned him for his defence. This *right*, by our constitution, is extended to offenders charged with crimes of every description. Should not a debtor, charged by his creditor with withholding the means of payment, be equally entitled to the privileges of the law ? Why is this an exception from all others ? Why is an allegation of debt permitted to cover a charge of fraud ? And why do all the *vindictive*, and none of the lenient provisions of the law apply to the debtor ? Why is he *punished* without proof, without public accusation, and without trial by jury ? Why is he *compelled* to be a witness against himself, and why is he *not assigned* counsel for his defence ? What good end is attained by this departure from *principle*, and upon what ground can we undertake to sustain it ? Is it intended as a satisfaction of the debt, or is the debt the price of liberty ? Will it bring the prisoner pure and unspotted from the loathsome cell, and bid him go in peace, “ and sin no no more ? ” Are there any beneficial consequences flowing from the existence of this law ? If there be none, then why without trial, without testimony, without such an accusation as the law contemplates, do you incarcerate him in a jail ?

In cases of crime, when the jury find the accused guilty of the offence charged, the law declares, that the punishment shall be in proportion to its enormity ; and when the time for which he has been sentenced expires, the convict comes forth from his dungeon, regenerated and renewed. Not so with the debtor, his sufferings avail nothing. After having spent day after day, and year after year ; and having been forced by the *fears* of starvation to be a *witness* in his own *case* ; and compelled to swear to his innocence or guilt ; your laws merely yield him a reluctant consent to enjoy his liberty. They do not, as in the case of crime, give him an equivalent for his sufferings. On the contrary, the expense of the jail, the interest of the debt, and the loss of time, swells the amount of his afflictions, and press him more heavily to the earth than before. If imprisonment be intended to compel the surrender of property, should it not be made to appear that the person sought to be imprisoned has property which he will not surrender. If this should appear, the debtor would be imprisoned for the *fraud* and not for the debt ; for the

offence against law in attempting to deceive, and not for his *poverty*. In not requiring this, the laws are worse than the inquisition. By this law you presume a man guilty, and will not let him disprove it; you charge him with fraud, and will not "confront him with his accusers," nor allow him witnesses in his own behalf. You punish him without evidence, before trial, before conviction. He is put to the torture, and starved into a compliance with the wishes or designs of his creditor. All this is permitted on the *presumption* of fraud, and that *presumption* arising in the mind of one individual. Our *criminal* code is founded on the principle, "that it is better that nine guilty persons should escape, than that one innocent person should suffer." Shall our civil code contain less liberal principles, when the *penalty* is the same? Shall a person who is charged with *theft* be treated with more lenity than he who is charged with *debt*? Shall the one be *presumed* innocent and the other guilty; and are we to punish one without the shadow of proof, and acquit the other if there be the least doubt of guilt? If imprisonment be *only* right, when it is intended as punishment for an *offence* committed, or to prevent the commission of it, then, under the present system, we punish the innocent and the guilty without distinction. Nay, do we not punish the innocent and not the guilty? Inasmuch as we do not require proof of fraud, and every man should be *presumed* innocent until *proved* guilty.

Our laws also declare, that punishment shall be in proportion to the enormity of the offence. How is it then, that being *suspected* of being a fraudulent debtor, places a man in a worse situation than that of a felon? How is it that the one is provided with the necessities of life, while in prison, and the other left to endure suffering and want without limitation? Let it be remembered by all, that this law in itself provides no means to avert the horrors of starvation. 'Tis true, *charity* has generally stepped forward and saved the wretch from death, but the effect of this law in the *absence* of charity would deprive an unfortunate debtor of life.

Suppose a law, like the one under consideration, was now brought for the first time to be acted upon by this legislature: Suppose it was presented here and discussed, and you were told by its advocates, that it had become *necessary* to *presume* any man *guilty* of fraud who owed a debt he did not pay; that no witness should be *required* to prove his guilt, and none *permitted* to prove his innocence; that the trial by jury should not be admitted; that punish-

ment should not be in proportion to the enormity of the offence, and that the person *making* the *charge* of *fraud*, should be allowed to imprison his fellow at his pleasure ; that the writ of *habeas corpus* should be denied ; that the creditor should be at liberty to starve his debtor to death without incurring the penalties of any law, and without being required to assign any reason for his conduct ? We ask, *what would be the opinion of this house* upon such a proposition ? By the requirements of this law, no inquiry is made whether a debtor is able or unable to pay. It emphatically brings all on a level, the rich and the poor, the virtuous and the vicious. The iron gripe of the creditor is considered equally legitimate, whether placed upon a fraudulent or an honest debtor. It is sufficient that a debt is due, or even alleged to be due, and all the *principles* of a free government, all the ties of kindred, all the requirements of honor, of justice and humanity, disappear before this law and sink into insignificance.

We now proceed to the examination of the question which constitutes the second division of this subject, viz. Whether the creditor obtains by the contract, a right to the personal liberty of the debtor, on his failure to pay—or what *right* the contract gives to the creditor. It must be evident to every man, that the object in making contracts is the accumulation or preservation of property. The law protects the contracting parties in this design as far as the general interests of society seem to require. Contracts may be considered as entered into with this view. If a vendor of property is not disposed to credit the personal responsibility of the purchaser, security, as a matter of course, is demanded ; this he is entitled to, and is of every day occurrence ; not security for the delivery of the *person*, but for the payment of the money. If this be not demanded, the presumption is, that the seller is satisfied with the responsibility of the purchaser. It may be likened to a case of insurance : If a merchant is sending goods beyond sea, and does not wish to incur risk, he will apply to an office and have them insured, in which case if the accident occurs which was intended to be provided against, the party has indemnity. If, on the contrary, he does not insure against the risk of the sea, is it not considered a matter of course that he was prepared to encounter it ? What does the creditor trust ? Does he not trust the *ability* of the debtor, as the merchant trusts the smoothness of the seas and the efficiency of his vessel ? Does he not consent to run the risk of the *ability* of the debtor to

pay, in preference to the loss of a sale and the consequent profit on his goods. Suppose the debtor from some unforeseen circumstance is reduced to poverty, his goods and his means of payment destroyed, and suppose the vessel of the merchant foundered at sea and the cargo lost: Would not the creditor without security be in the same situation as the merchant without insurance? Are not these accidents among the ordinary occurrences of life; and is it not equally the duty of the creditor by security, and the merchant by insurance, to provide against them? If neither of these occurrences are provided against, will it not necessarily follow, that the risk was taken upon the parties? The creditor trusted to the good *fortune* of the debtor as the merchant to the prosperity of the voyage. If the one be unfortunate and the other unsuccessful, the loss must rest where the risk was incurred. The debtor promises to pay if he has *ability* to do so; the creditor agrees to trust to his *ability*, consequently if the debtor has not the *ability* to pay, he has not forfeited his promise; neither has the creditor encountered any thing beyond what he agreed to risk. If a man agrees to go to London and dies before he can arrive there, it will scarcely be said he has violated his promise; and is it not equally impossible for a man to pay a debt, when he has nothing wherewith to pay it?

But lest the foregoing reasons may not be considered sufficient to answer the purpose proposed, we will suppose a written contract expressly stipulating that on the failure to pay the sum mentioned therein, the debtor should be liable, at the pleasure of the creditor, to be incarcerated in prison, deprived of the means of life, except what may be derived from the charity of the world, and separated from his wife and children, who look to him for sustenance. Suppose such a contract was exhibited and the penalty sought to be exacted; what would be the decision of that court, or that jury who should be called upon to determine? What would be the feelings of the community towards an individual who would exact so severe, so cruel a penalty? Would not the court declare, that the principles of law were founded on the principles of *justice*; that cruel and vindictive punishments could not be inflicted; and that the natural, moral, and paramount obligations which are due from an individual to himself and to his country, prevent the execution of so unhallowed an obligation. Courts and juries are aware that there are higher duties, and stronger relations, than those which exist between the debtor and the creditor, and which all well regulated governments will preserve and enforce.

The relation of father and child, of husband and wife, and the reciprocal duties which the one owes to the other, are of infinitely greater consequence to the well being of society, than any which can arise between debtor and creditor. As to the latter, their relative rights can be protected in the terms of the contract, or by avoiding it ; as to the former, they have no protection except that which arises from the law of nature. These natural duties are directly violated, whenever you resort to imprisonment in *any* case, and such violation can never be justified unless it is unsafe and injurious to society to suffer the individual imprisoned to go abroad, and at liberty to perpetrate his frauds and depredations upon the unprotected. Although in the case of the debtor, the principle is violated, yet in all others, both in this country and in England, the municipal laws have taken great care to preserve and protect these natural relations. Providence, however, has done it more effectually, by implanting in the breast of every parent, that insuperable degree of affection, which not even the deformity of person or mind, nor even the wickedness, ingratitude and rebellion of children, can totally suppress or extinguish. Can a contract be valid, which in its effect *compels* the abandonment of wife and children ? In the enforcement of such a contract, the natural rights not only of the debtor himself, but of those to whom he is bound by ties of kindred, are invaded. If it is the duty of the husband and father, to yield protection and support to the wife and children, it is equally their right to require it to be so rendered ; if he does not voluntarily render such aid, protection, and support, an appeal to the proper authority will always compel him to do it. If this be to them a natural right, how can any one, without their consent, deprive them of it ? Can it be said that the husband and the father may sell or convey away that right ; a right which belongs to another, and is paramount to all others. Can a father sell lands that are willed to his children ? Can he dispose of lands the birthright of the wife ? Has he a title to property, because his children are the owners, or is he privileged to sacrifice their interests as he pleases ? What is due from him to them is a sacred right, and it is not in his power to destroy it. If he can be compelled to perform a contract in violation of the rights of others, why can he not violate them without such contract ? Does the contract make the difference ? Does it change existing laws and natural rights ? If a man contracts to convey away the right of another, will you compel that other to relinquish his right, for the purpose of enabling the first to fulfil his contract ?

But we are not left to depend solely upon the foregoing arguments ; for it will be observed, that in civilized communities, and particularly under a government like ours, there are certain rights, which, although in a manner appertaining to individuals, still belong, in a great degree, to the public. Of these rights, society ought not to be divested by the acts of any of its members. Individual interests must give way to the public good ; so when it appears that the public are to be injured by the act of one individual, the latter is restrained for the benefit of the former. According to the common law, a man's tools and utensils of trade, the axe of a carpenter, the books of a scholar, and the like, were privileged from execution for the sake of the public, because the taking of them away would disable the owner from serving the commonwealth in his station. Labor is wealth, and in proportion to the amount of productive labor, so is the wealth of a nation. The whole community being made up of individuals, and individual labor being its source of wealth, of course the imprisoning of one individual affects the whole. By confining a man in prison, you require others to do that labor which he was required to do, or you reduce the means of living in that proportion. For instance, deprive society of the labor of one half of its members, and you impose upon the remainder the necessity of supplying the whole. You either reduce the amount of productive labor one half, or you require those who do labor to do twice as much as before. In China it is a maxim, that if there be a man that does not work, or a woman that is idle, in the empire, somebody must suffer cold and hunger. And the court of Areopagus, at Athens, exercised a right of examining every citizen in what manner he spent his time. But in our own happy country, public policy is made to yield to the gratification of individual cruelty, and the law of imprisonment for debt allows neither age, sickness, or infirmity, to bar its operation.

We have now concluded that part of our examination that relates more particularly to the nature of the debtor's obligation, and the creditor's rights. We will now examine into the proposition, or assertion, that this law holds out the only *effectual* means for collecting debts, and coercing payment.

Being well aware that many individuals look more to the expediency of laws, than to the principles on which they are founded, we shall proceed to the examination of this subdivision of the question, with an anxious desire that it may receive the particular attention of the House.

The efficiency of this system for the protection of the creditor, now assumes a shape of more than ordinary interest; and should its operation tend as little to effect the end sought to be attained, as its principles would seem to imply, nothing short of an expression in favor of its repeal, can be expected from this House.

The subjoined facts and opinions, have been collected with great care, and the number might have been multiplied ten fold had it been thought necessary. No exertion has been spared to procure the *best* evidence, which the nature of the question, and the time allowed the committee would admit. Letters have been directed to the sheriffs of many of the counties of this State, and we regret to say that up to this period, very few answers have been returned. We have thus been compelled to refer to facts concerning the *general* operation of this system, in the place of confining our inquiries to its effects in this State.

In the fifth report of the Prison Discipline Society, for 1830, we find the following—"In seventeen prisons from which we have heard, out of 2,057 persons imprisoned, the records show only 294 who paid the debt; 1,019 were discharged by the creditor or his attorney, and 744 took the poor debtor's oath. In each case where the creditor or attorney discharged the debtor, or the poor man's oath was taken, the *costs* were paid by the *creditor*."

The following is an extract of a letter from the justices of the quorum and sheriff of Berkshire county, Massachusetts—"Being justices of the peace and of the quorum in this county, we have attended, some of us more than *twenty* years, the examination of debtors, who have taken the benefit of the poor debtor's oath, and have had an opportunity of ascertaining the *benefit* creditors generally derive from the imprisonment of their debtors, and of learning the injury sustained by the debtors and their families, from such imprisonment. From our observation, we are decidedly of opinion, that there are but *few* cases in which *any* benefit is gained by the creditor, by the imprisonment of his debtor; and that the injury, in most cases, to the debtor, but more generally to his family, is *very* great; and in many instances extremely oppressive." The sheriff adds—"Having been sheriff of the county eighteen years, I have observed the operation of our laws against poor debtors; and fully concur in the opinion of the above gentlemen."

Governor Lincoln of Massachusetts, says—"The claims of *humanity* have long urged the *abolishment* of imprisonment;" and "the most *diligent* and exact inquiry has shown, that but *little* effect in enforcing the payment of money, is produced by the confinement of debtors."

Governor Harvey of New-Hampshire, remarks—"It is now rarely found that the debtor, committed to prison under the present law, *ever* calculates on being discharged by payment of the debt; and so far as my observation has extended, about *seven eighths* of all persons, committed on execution, have been discharged on application to the commissioner of jail delivery.

From Charles Sedgwick, Esq. Lenox, Massachusetts—"You will perceive by the statement below, that beside the loss and inconvenience occasioned to the debtor by imprisonment, it is *useless* and *expensive* to the *creditor*. The amount of debts when the party took the poor debtor's oath, was \$456.75; and the amount of costs on the same, \$1,439.12. Thus it appears that the expenses amounted to more than three times the amount of the debt, without *answering* any *good* purpose whatever, and operated very hardly upon the families of debtors, by depriving them of the means of daily support."

Mr. Bradford, of Philadelphia, says—"I have had much opportunity, for many years, as an *inspector of the prison*, of witnessing the evils resulting from imprisonment for debt, and therefore can testify to the folly of the whole system. The debtor becomes reckless of character, dissolute, and in many instances, ruined; and returns to society its bane and curse."

From the Hon. H. W. Dwight—"I have never found it necessary to imprison a man for a debt due to me, personally: and whenever, in fifteen years' practice, I have done so for a client, I have *always* found it would have been better not to have done so."

From the Hon. Samuel Greenleaf—"In the course of twenty-four years' practice at the bar, I have known little good to result from imprisonment for debt, and am inclined to *doubt* whether *all* the sums collected in any one county by that operation, would amount to as much as the *expenses* of all the commitments in that county during the same period of time."

From the Hon. Thomas S. Grimke, South Carolina—"My settled conviction, after twenty years' practice, is, that in nine out of ten cases, (and I am not sure but nineteen out of twenty,) the property assigned has been so trifling, that no one would act as assignee."

From William Griffiths, Esq. compiler of the Law Register—"During the thirty years of my knowledge of the insolvent system in New-Jersey, in which time there could not have been less than six thousand discharges, I have never heard of a dividend being made to the amount of one shilling; nor a single assignee who has rendered an account to creditors. *Possibly* there are cases where a dividend has been made; yet it may be safely said, that the whole amount in thirty years would not pay the court fees."

An hundred extracts like the foregoing could be given, derived from gentlemen of the first standing in every part of the Union—proving conclusively, that this system has not only borne oppressively on the debtor, but has yielded no benefit to the creditor, and that in nine cases out of ten, the costs have equalled the amount of the debt.

Can any thing more be wanting to prove the utter uselessness and tyranny of this system? But there is another consideration attached to this subject, which will require a few remarks.

Under the present law, inducements are held out to extend credit; and probably as many bad debts may be traced to urgent offers of goods at an almost unlimited credit, as to the unrestrained inclination to buy. Something ought to be done to prevent creditors from encouraging persons to contract debts beyond their ability to pay.—No inducement should be held out to the creditor, except what the character of the person presents. No prospect should be offered him founded on the distress of the family of the debtor, and upon the *sympathies* of his friends; and no false hopes or unfounded expectations should induce him to do what, without them, he would not do.

In relation to this subject, Judge Bailey observes—"Generally, creditors are a much more *wary* class of men than debtors; and if the laws authorising imprisonment for debt were repealed, they would probably be more cautious how they give credit; and this would be likely to have a beneficial effect on the community, as it would tend to lessen the number of debtors and creditors, and

would also tend to virtuous and honorable conduct, by giving to men of fair character the advantages they ought to have in obtaining credit."

This question, however, is *not* left to conjecture. Although we have presented testimony against the beneficial effects of this system—although we have shown that according to the experience and opinion of good and wise men, in every section of our country, this law works not only injustice and oppression to the debtor, but gives no relief to the creditor—although we have proved, as far as negative testimony will go, that the creditor and the debtor, together with the morals of the community, would be benefitted by the repeal of this law—yet we are not reduced to the necessity of resting our case here; we have clear, incontrovertible testimony—evidence of a positive and conclusive nature, which must forever put this question at rest.

In relation to this subject, Col. Richard M. Johnson, of Kentucky, remarks—"In Kentucky, imprisonment for debt was abolished in the year 1821: of course, the law repealing it, has been in full force for near ten years, and during a period of pecuniary embarrassment, such as the history of the state cannot furnish a parallel.

"At the commencement it encountered some considerable opposition, because a *part* of the system was not retained to operate on fraudulent debtors; but as it became better understood, its principles more fully developed, and its humanizing effects more completely unfolded, so in proportion, the opposition sunk away by degrees, until almost every murmur of complaint was hushed into silence. At the present time I believe the sentiment of approbation is almost universal among all classes and conditions of society. Indeed we *begin to look back with surprise and astonishment*, that such a *barbarity* should ever have existed, or that a republican community should ever have supposed that such a gross violation of personal liberty should ever have been necessary.

"It was confidently asserted, that the abolition of the old system would produce great frauds, annihilate credit, work injustice, and reduce the State to confusion. Time has dissipated these fears, and proved them to have been imaginary.

"I have no hesitation in asserting, from my knowledge in that portion of the State wherein I reside, that since the abolition of im-

prisonment for debt, in the State of Kentucky, a *million of dollars more* have been paid than would have been under a rigorous execution of the laws of imprisonment for debt. The system of *credit* was never more sound and healthy than at present, and how consoling the reflection that our jails are *alone* devoted to the confinement of the felon."

We have thus produced facts both of a negative and positive nature, proving *conclusively* the inutility and inhumanity of the law under consideration. Can the advocates of this system contend for its continuance? Are they aware that no portion of the civilized world tolerates this law? Are they aware that in the most tyrannical government on the continent this practice is not known? And will they believe that the United States of America and the Kingdom of Great Britain are the only countries where men are imprisoned for debt? And yet such is the fact. In confirmation of this opinion we refer to a letter from an eminent lawyer and excellent man, *Mr. Duponceau*, of Pennsylvania. "In France," says he, "the parties cannot even *stipulate* in their contract, that on failure to pay they will be liable to imprisonment; it is only admitted when the *judge* or *jury* determines it. As to torts, they are of two kinds. *Torts vi et armis* are criminal acts; the damages to the injured party are a part of the *punishment*, and imprisonment *follows*. Other torts come within the rule of unliquidated damages on which imprisonment is in the *discretion* of the judge.

"The laws of *Spain* are much on the model of those of France." "I have *understood* and believe, that the law is general all over the continent of Europe, that *imprisonment for debt* lies only *after* judgment, and only in *specified* cases, particularly commercial, and those in which *fraud* is involved."

It will be perceived that in France and Spain, and indeed over the whole continent, the *capias* or other process for *personal imprisonment* at the *option* of the party, is not tolerated, either in actions arising *ex delicto* or *ex contractu*.

Neither is it known in the dominion of the Great Sultan. It is said that a captain of a trading ship, being not long since in Constantinople, lodged in the house of a seafaring Turk. One day he observed to the Musselman that, in all his walks through the immense city of Constantinople and its suburbs, he had not seen any thing like a jail for imprisonment of debtors. "*Christian dog,*"

said the disciple of Mahomet, "do you suppose that we are so debased as to copy the Nazarene policy? We take care to strip a debtor of all his property, so far as it will go to pay his just debts; but there we leave him; we instantly turn him loose to begin the world again. The believers in our prophet are above shutting up their *fellow men* in cages, in order to persecute, starve and torment them. We make a distinction between a *man* and a *rat*. I have been in several of the Nazarine [Christian] cities, and never looked at a debtor's prison without horror—as a place where man is degraded to the condition of a rat."

In Pegu, and the adjacent countries, in the East Indies, the laws give the person of the debtor, together with those of his wife and children, into the hands of the creditor, until the debt is paid; but it requires him to treat them with kindness, and show no violence. If the creditor should commit any enormity, as by violating the chastity of the wife, cruelly treating the children, or treat with undue severity the debtor himself, the laws at once cancel the debt.

In examining many volumes of foreign and domestic laws, we have been constantly struck with the imposing fact, that while all nations are enabled to assign a good and sufficient reason for *their* laws on this subject; not one solitary argument, or one plausible reason, is offered for our own; not *one* that will bear the touch of truth, or the test of *justice*.

In consequence of this difficulty presenting itself, it appeared to be our duty to examine into the history of this practice, and trace out the rise and progress of a law, which has taken so deep a hold upon the minds of our citizens. It becomes the more necessary for us to do so, in consequence of the imposing stand we have taken amongst the nations of the world; because we virtually say, "give place—I am more holy than thou."

Believing that we could not do better than trace the origin and progress of this law, for the information of the House, we have undertaken and completed that task; although not with entire satisfaction, still we have become possessed of all the material points of its history. Nothing can be more instructing than the history of the laws and customs of a country, and nothing can yield more satisfaction than the correcting of abuses. The origin of a law frequently shows the spirit of the law itself. The motive which dictated it, is frequently conclusive of its character. By becoming ac-

quainted with the character of the lawgiver, tracing the leading features of his life, the objects sought to be attained, and the means used to attain them, we frequently are better enabled to judge of the propriety of laws, than by examining the practices and decisions under them. We shall, therefore, give in a concise manner, the character of the sovereign in whose reign imprisonment for debt commenced, and who, by his depravity and ignorance, overturned the true and correct principles of government. It is a fact well known, that the law which is the subject of discussion, had its origin in England, that it is derived from her authority, and that we know much of its effects, and but little of its beginning; we shall, therefore, be compelled to look to the history of English jurisprudence for the facts we wish to disclose. The history is curious in its incidents, and interesting in all its details.

In examining the foundation of the laws of England, our attention is necessarily drawn to the common law. It has received from commentators on municipal jurisprudence, the highest encomiums that can be bestowed on any thing originating with man. It is declared to be the perfection of reason; and is considered the foundation of the liberties of the people of England.

In the investigation of the common law, as handed down to us, we shall be enabled to show, that the original tendency of all its provisions, was to preserve the liberty of the citizen, and enforce the obligation of contracts.

Under the code of laws last referred to, all actions were required to be founded on an original writ, either *optional* or *peremptory*; or in the words of the lawyers, they were either a "*præcipe* or a *si te fecerit securum*." The optional writ or *præcipe* was in the alternative, commanding the defendant to do the thing required, or show the *reason* wherefore he had not done it. It was directed to the sheriff, and required him to command the defendant, "justly, and without delay, to *render* unto the plaintiff the sum of money demanded;" and if he did not do so, and the plaintiff gave "*sure pledges to prosecute*," then to summon the defendant to appear in court and render a reason why he had not done so.

This writ was used where something definite—something certain, was demanded, as for a liquidated debt; to restore the possession of land; to render an account; or, in other words, where the amount claimed was certain, and the payment or restoration with-

held. The defendant was thus at liberty, either to settle with the plaintiff on amicable terms, or answer to the court why he did not. If the plaintiff would not settle with the defendant on fair terms, the law required him to give pledges to prosecute his suit, and to answer in damages for him, if he had not a good cause of action, before a peremptory summons was allowed to issue. "The use of these pledges was to answer for the plaintiff, who, in case he brought an action without cause, or failed in the prosecution of it when brought, was liable to a fine from the court, for raising a false accusation."

The principle here plainly laid down, and equally manifest through all the subsequent proceedings, is, that every man is presumed to do *right*, until the contrary appears; an accusation is not taken as true without proof; a charge that a man *owes* a debt and *will* not pay, is not received as satisfactory, but requires from the person making the accusation, some security that the charge is true, before the court will interpose its authority. This is the principle by which we should be governed, in all cases where a dispute arises between individuals. The community is very little if at all interested in the controversy; and the presumed innocence of the one should be as much respected as the assertion of the other. On this is founded the right of personal liberty—that liberty which is above all price, and which it is as much the interest as the duty of every community to preserve.

After the service of the *præcipe*, if the defendant did not either make satisfaction to the party or enter his appearance in court, according to the requirements of the law, he was held to have acted with contempt towards the court. On application, therefore, of the plaintiff, founded on the return of the sheriff, the court would direct a writ to issue against the defendant. This writ was called an attachment, or *pone*, so called from the words of the writ, "*pone per vadium et salvo plagios*," put by gage and safe pledges, A. B. the defendant, and issued only in cases of the non-appearance of the defendant, at the return of the original writ, which is evident from its tenor: "why he does not pay to the plaintiff the sum which he owes to him, and unjustly detains from him; and to show wherefore he was not before our justices as he was summoned."

The sheriff was commanded by this writ to attach the defendant by taking certain of his goods. And if he did not appear, he not

only forfeited the goods so taken, but a writ issued, called a *distingas*, or distress infinite, which directed that the defendant should be distrained from time to time, and continually afterwards, by taking his goods and the profits of his lands, which were called *issues*, and which were sold if he did not appear in court and answer the complaint of the plaintiff.

And here the process ended, in cases of injury without force. The defendant, if he had any substance, being gradually stripped of it all by repeated distresses, until he rendered obedience to the summons; and if he had no substance, the law held him incapable of making satisfaction; and therefore looked on all further process as nugatory. On judgment being obtained, if the party appeared to the suit, an execution was ordered to issue against his goods and chattels, and if there was nothing by which it could be satisfied, all further process was held to be useless.

In the estimation of the law, no redress could be given to the plaintiff except in the specific thing claimed, to wit: money or goods. It did not contemplate that high satisfaction at present demanded—imprisonment of the body. All that was disputed or contended for, was a valuable consideration. The process of law was directed against that which was claimed—property; not against that which was not claimed—liberty. This course of proceeding is in exact conformity to all agreements, and in no one instance does it tend to violate them. Thus stood the action for debt. There were other actions known, wherein the law authorised a peremptory summons and a *capias*.

In all cases where an action was brought to recover damages, and where the violence of the wrong required a speedy remedy, the original writ commanded the goods of the defendant to be at once attached without any precedent warning; and in cases of injury accompanied with force, the law, to *punish a breach of the peace and prevent its disturbance for the future*, provided also, a process against the defendant's *person*, if he neglected to appear upon the former process of attachment, or had no substance whereby to be attached, subjecting his body to imprisonment by *capias ad respondendum*.

Can any thing be presented which is so completely and wholly based on justice and principle? In the first place an action for debt,

a claim, or demand certain, was confined in its operation exclusively to the property of the party, on the ground that the demand reached no further. In the second place, a demand founded on wrong done, where it partook of violence or deceit, the law authorised the arrest of the person.

Here was even handed justice ; distinguishing between the rights of the citizen and those of the community, determining what could be done by contact between individuals and what is due to the domestic obligations and the public. Under the common law *no such process as capias ad satisfaciendum* was known. The law recognized no process after judgment against the person of the party, and consequently the inhuman practice of imprisonment for not doing what it was not in the power of the individual to do, was not known.

The law remained unchanged until the reign of Henry 3d, although the practice of the courts had become more tyrannical, and the habits of the people more depraved. In this reign, the sacred rights of the citizen, the principles of morality, and the social ties, were openly violated, and the most abandoned course was pursued by the king, and followed by his subjects. Even *justice* was openly bought and sold ; the King's Court itself, though the supreme judicature of the kingdom, was open to none who brought not presents to the king. The bribes given for the expedition, *delay*, suspension, and doubtless for the *perversion* of justice, were entered in the public registers of the royal revenue, and remain as monuments of the iniquity of the times. Through the whole of this and many succeeding reigns, the sole stimulant for the king, the nobleman, the priest, the judge, and we may add, every other class of society, was money ; to obtain which, all the requirements of humanity, of kindred, of honor, of religion, were sacrificed ; murder, robbery, and every species of felony were forgiven, and even justified, provided money could be obtained. Is it wonderful then, that non-payment of money was considered a *crime* ? Is it astonishing that a debtor was worse treated than a criminal ? when the lawgiver, the judge, and the king, were ready to give their voice in favor of the party giving the largest bribe. This first deviation from the principles of the common law should be well understood, and the causes which gave rise to it well examined, that the individuals who are so jealous of what they call the *rights* of the creditor, may be satisfied that they are based upon the same principles as the "divine right of kings."

The first four statutes on the subject of imprisonment for debt, were enacted in the reigns of Henry 3d and Edward 1st: they were considered flagrant infringements upon the natural and unalienable rights of personal liberty, (as declared by *Magna Charta*,) and were productive of such a train of oppression, misery and wretchedness, in the community, that government, in order to allay the indignation of the people, and prevent the deep sense of their sufferings from driving them to open hostility against the king and parliament, was constrained to repeal those laws; and thus, as Lord Coke affirms, "restore to the people all their original laws and liberties, in the best and fullest manner they used to have them."

In the reign of Edward the Third, a statute was again enacted, authorising imprisonment for debt.

"The evils of the system were again renewed and increased. The people again complained and threatened: government again found it necessary to confirm the great charter, and repeal the laws of imprisonment for debt; and in the preamble of one of the statutes passed for that purpose, (25 Edward 3d, 1352,) the oppression of debtors by their creditors was stated as the grievance intended to be removed. But still the courts of *justice* continued to imprison for debt. "The practice," says an able and intelligent writer on the subject, "had become too general to be easily exterminated, and for very obvious reasons.

"The law of imprisonment for debt, placed additional power in the hands of *those* who made it, and whose privilege exempted them from a participation in the sufferings it occasioned; and although *their* fears had dictated a repeal of those laws, as the most prudent and effectual means of quieting the people, they were in reality not averse to the principles they avowed.

"The monied interest of the country was also in their favor, and the venality of the courts and ministers of justice sought and obtained a pecuniary profit from the practice, while the great mass of the people, whose right and suffering were not regarded when their resentments were not feared, and on whom the whole *weight* of this iniquitous practice fell, had no means, but by open violence, to destroy or counteract its operations. While the people were jealous only of the legislative department of government, and while their watchful eyes were often turned to the quarter from which only they apprehended any danger of attacks upon their natural or

constitutional rights, the *judicial* department quickly put on the chain before the danger was discovered, and riveted it before there was time to cast it off. Imprisonment for debt proceeded as uninterruptedly as if it was no infringement upon *Magna Charta*."

The practice was founded on a fiction of law, (always used to extend the power of the court.) The writ was issued, setting forth that the party had committed a breach of the peace—that he had broken into the plaintiff's close *vi et armis*, which, according to the old common law, subjected the defendant's person to be arrested by writ of *capias*; and then afterwards, by connivance of the court, the plaintiff might proceed to prosecute for *any* other less forcible injury.

"This practice of the courts continued, in defiance of law, as if the statutes which gave birth to imprisonment for debt had not been repealed, until the statute, 19 Henry 7th, in the year 1466, was enacted, construed and practised on, as if it had been, as it seemed to imply, predicated on a previously existing and unrepealed statute authorising imprisonment for debt. This statute, however, gave countenance to the illegal practice of the judicial courts, and imprisonment for debt continued on without molestation, until its baneful influence had spread human misery far and wide, and was increasing still, when the statute of 8th Elizabeth (1566) was made, to punish those who had, as the law itself stated, "of their own malicious minds, and without any just cause, procured their fellow-subjects to be greatly molested and troubled, by attachments and arrests made of their bodies, only on a mere pretence of debt." The number of this class of sufferers must have been great, and the number of those who, even at this early period, had used the law of imprisonment for debt for the purpose of oppression, by no means small, when the government deemed it requisite to interpose to arrest the evil." "This, however," says Burges, in his consideration on the law of insolvency, "was not the only grievance which called for redress. It was grown to be a common practice for any man who envied the prosperity of his neighbor, who was desirous of putting out of his way a more successful competitor, or who wished to gratify the calls of personal hatred, to cause another to be arrested, at the suit either of some person who in fact did not exist, or of some one who had no cause of action, and who was ignorant of the malicious prostitution of his name. To what length will not the depravity of mankind go, when an unlimited

field for the exercise of their passions is afforded to them ; when the *municipal* law dares to remove the sacred land-marks of the law of nature ? What apology can be made for a practice which thus instantly, as it were, opened the sluices of oppression, fraud and perjury ?

“ Enormous as was the grievance for which a remedy was proposed by the preceding act, it was but a part of the mischiefs which arose from this oppressive practice ; and, consequently, the wholesome operation of the statutes 8th Elizabeth, c. 2, was extremely circumscribed, and confined to a few of the unhappy sufferers.

“ The jails became daily more crowded with prisoners ; the cries of the unhappy still were heard ; the miseries of the people still continued unrelieved. Their cries ascended even to the throne, and the monarch was moved to pity the calamities of her subjects, to restore to freedom and to happiness the honest and the industrious.— On the 26th day of April, 1585, she issued a proclamation which, according to the system of those times, was considered as having the force of law ; she authorised certain commissioners therein mentioned, to compound controversies and causes between prisoners and their creditors, and such others (who were in reality not creditors) by whom they were detained or in execution.”

This commission continued in force only until her death. King James 1st, for the purpose of improving upon the *charitable* provisions of Elizabeth, on the 11th day of November, 1618, declared by a proclamation, “ that it had been found by experience, that for want of Elizabeth’s proclamation, or some other charitable course for the relief of such as are truly and indeed poor, distressed and miserable, and want means to satisfy their creditors, had been an occasion to pester and fill the prisons with the bodies of those persons, whose imprisonment could in no way avail their creditors, *but rather was an hindrance* to the satisfaction of their debts ; for that, during the time of their restraints, they were in nowise able to go about or attend to their lawful business, of course consumed themselves and what little they had, miserably, in prison.”

“ The proclamation then appointed commissioners, with power to *treat, persuade, mediate* and procure composition and agreement with the creditors and debtors—some tender consideration being had of the debtors, their wives and children, and unto poor and miserable persons, as had not wherewith to satisfy their debts—but were con-

strained *miserably* to *perish* in prison, except, in *pity*, they were *relieved*."

"Relieved! from what? certainly not from the justice or tender mercies of the law of imprisonment for debt, nor from that of their creditors; but from the injustice, inhumanity and oppression of both."

Thus stood the law in England about two hundred years since; and such was the opinion at that time prevalent. It may be added, that but for the fiction of law introduced into the courts, of charging a man with crime and then trying and imprisoning for debt, the law would not now be found to exist. The King's courts first sold favors and perverted the current of justice: the other courts followed the example; and although the Parliament, the representative of the people, could not for a long time be prevailed upon to sacrifice one of the most sacred rights of the citizen, yet the judges and those appertaining to the court, were constantly selling themselves as instruments in the hands of the rich or vindictive, to trample upon the liberty and life of their fellow citizens. "Alas!" says Roger de Thukisbury, one of the King's justices, "what times are we fallen into? Behold, the civil court is corrupted in *imitation* of the ecclesiastical, and the river is poisoned from that fountain."

The practice once established, it was found hard to eradicate it.—The people complained of the violation of their rights; they prayed for redress of grievances; they begged for a confirmation of the great charter, but they could not be heard. And why? Because it was not the interest or the inclination of those in whose power the changing of laws was placed. The Parliament, as we have shown, did all that was possible to abolish this practice; but as soon as one means of obtaining *money*, as soon as one source of bribery and corruption was cut off, the judges devised other means and other resources more effectual—until this continued practice of oppression became in the eyes of many *legitimate*, and was permitted to be continued without any further question as to its legality or propriety.

Custom, long continued usage, has been and is considered a sufficient reason for any act or decision in the courts of England. They are governed by *precedent*. Many of their decisions are founded on the principle, that what has been once done, or what has been before practiced, is *right*, even if it was contrary to political or civil liberty. The laws of England are to a greater extent derived from

the decision of her courts, than from parliamentary acts; and Parliament has only trampled upon the rights of the people in aid of the assumed authority of courts of justice.

The courts were considered a branch of the royal power; and the king claimed to be the grand justiciary of the kingdom. His proclamations had the effect of laws—from his decision there was no appeal—and his construction of a law, whether proceeding immediately from himself, or from his courts, was conclusive. Therefore, while venality existed in the *aula regia*, whilst bribery was countenanced, the rights of the people were violated, and their dearest liberties sacrificed. In the reign of the monarch whose character we have delineated, under his immediate eye, and by his own *act and deed*, was this law for imprisoning debtors enacted.

It is founded on the decision of the king, and originated in the practice of *buying and selling* justice. It was complained of repeatedly by the people; was repealed by parliament on their representation; declared to be in contravention of their unalienable rights, and diametrically opposed to the charter of their liberties. Notwithstanding all this, the courts, for the purpose of *filling their coffers*, allowed fictitious actions to be brought, and imprisoned *as if* for a *breach of the peace*, when in fact it was for *debt*.

Thus it will be seen, that the *people of England never did consent* to the *establishment* of such a law. On the contrary, they protested and complained until the decisions became from long usage, (founded on fiction,) ingrafted in their constitution, and according to their views of *custom* it became right. Blackstone says, that this practice of commencing suits by fiction, ("to avoid the law,") *through custom*, still continues in almost all cases, though *now* by virtue of the statute, a *capias* may be had upon almost every species of complaint. This *custom*, founded upon the arbitrary *opinions* of a *corrupt court*, was recognised by the colony of New-York, and was practiced upon much in the same manner as in the mother country until the declaration of our independence.

The first act that is to be found on the subject was passed on the 17th April, 1784, and provided that debtors in jail at the time of passing the act, on making an assignment and taking the oath, *should be forever discharged from their debts*. There is also another passed on the 10th May, of the same year, authorising Ely Grove
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and Bond Grove, to assign their property, before witnesses, which assignment, *without oath*, was to operate as a *full discharge*.

On the 24th of the following November, the said first act was continued in force as to *certain persons* enumerated. On the 25th of April, of the next year, the same law as to *other certain persons* was continued in force.

On the 31st March, 1786, an act was passed declaring that "*all persons* then in prison for debt, fines, &c. whether in execution or other writ, if the sum, exclusive of costs, does not exceed *fifteen pounds*, were free without requiring any oath." Here was a strong and near approach to abolishing imprisonment for debt. Had the legislature gone a little farther, and said it should apply to *all cases in futuro*, liberty would have been secured to us in all its essentials; we should then have been as free from the oppressive *custom* of England, as from her dominion.

On the 13th April, 1786, the first *general* law was passed, which provided that any debtor, whether in *prison or out*, should be discharged from *prison or liability*, if three-fourths of his creditors should agree to accept of his schedule assigned to them under oath. Since that period, many laws have been enacted, all recognizing the *custom* of England as legitimate.

This State, within a short time past, has exempted *females* from arrest or imprisonment for any debt arising on contract; and by an act of last session, all persons who served in the army of the revolution are exempted from arrest on either original or final process. In the State of Pennsylvania, by act of 1818; in the State of New-Jersey, by act of 1818; in Florida, by act of 1824; in Connecticut, by act of 1826; females were exempted from imprisonment. In Massachusetts, by act of 1811; and in Maine, by act of 1822, persons can not be arrested where the debt or demand is less than \$5. In the State of South-Carolina, by act of 1825, no person can be imprisoned for a debt of less amount than \$20. In Kentucky and Ohio, imprisonment for debt, after judgment, is totally abolished.

The legislature of Kentucky, in 1821, repealed all laws authorizing a *capias ad satisfaciendum* to issue for debt. In January, 1827, the *ca. sa.* was revived so far as to authorise it to issue on any judgment obtained in any actions of *trespass vi et armis*, and in actions for words spoken or written, and seduction. This change in Kentucky, places their proceedings much on the rules and principles of

the common law. Where judgment is obtained on contract, no *ca. sa.* can issue ; but when judgment is obtained for a breach of the peace, or for acts the tendency of which is immoral and licentious, then the law, to preserve the public peace and good morals of society, will *punish* the party for the offence *committed*.

It is a matter of some curiosity to examine the many devices which legislators have been compelled to resort to, to bolster up this unjust and oppressive law. It is not a matter of wonder, however, that they have found it necessary to multiply laws for the purpose of sustaining that which is iniquitous in itself. A small departure from principle leads to endless difficulties, and the legislator who expects to get right by a multiplicity of acts, will be like the person who is trying to sustain the first violation of integrity by multiplying falsehoods. The only way is to commence on principle, and when a law is proposed, test it by that standard. Were all our laws founded on principle, we would find them far less in number and much easier understood.

In striving to lessen the evils flowing from imprisonment for debt, legislators were driven to enact laws to ameliorate the condition of the prisoner. And nothing can be a stronger proof, says a celebrated English writer, " of the *inexpediency* of imprisonment for debt, than the introduction of those occasional insolvent laws, which originated *merely* from the *humanity*, and *compassion* of the legislator, for the sufferings of miserable and helpless debtors. They originated in a proclamation of queen Elizabeth ; were continued on the same footing by the two first princes of the Stewart race, and assumed the form of law in the first parliament which was held after the death of Charles the First. After the restoration, they became customary ; the first that passed appears as the 22d and 23d of Charles the 2d, c. 20. From that period to 1783, no less than twenty-four such acts had received the legislative sanction ; sixteen were made during the reign of George the 1st, 2d, and 3d. Whoever considers what have been the consequences of these interpositions, what an opening they have made for fraud, and how constantly they have been perverted to the most infamous purposes, must acknowledge the grievance to be very burdensome which renders them necessary." In almost every state in the Union laws are now in force resembling those of England, and scarcely *one* that does not make some provisions relative to the property of the debtor ; authorising him to have one cow, one horse, one bed, one

plough, &c., which shall be exempt from execution. We do not intend to question the necessity of these laws, neither will we dispute the propriety of the motive which is constantly proposing laws like these for legislation. It is a strong evidence of the public favor towards poor debtors. But we observe with pleasure the gradual surrender of public prejudice to the force of natural law, whereby the ties between husband and wife, father and child, are cherished and preserved. This law also may be found in that code which we have so often had occasion to refer to, and which has received, as it deserves, our highest praise for its adherence to principle.

The common law provided that a man's tools, and utensils of trade—the axe of a carpenter, the books of a scholar, and the like, should not be liable to execution, because it would disable the owner from supporting his family, and serving the commonwealth in his calling. On paper these laws are alike, but we shall see on examination, that in practice and in principle, they are as far asunder as two propositions can be. By your law, certain articles are exempt from execution, they are considered sacred, no creditor is permitted to lay his hands upon them, no officer can for any cause seize them. By this means, then, you would *seem* to have provided something for the family of the poor debtor, which will keep them from want; but at the same time you authorise his body to be seized by his rapacious creditor, you allow him to be dragged to prison for one dollar, nay, for the smallest possible sum. Do you imagine there is a wife, or a child, that would not sooner surrender all the property they have, and permit themselves to be reduced to downright beggary, or servitude, before they would consent to see a father, a husband, or a brother, confined within the walls of a prison, or if he is confined there, see him perish for want, or depending on the hand of charity.

In supposing that you are doing what the principle on which it is founded proposed, is evidently a mistake; for it is a well known fact that almost any individual, before he would go to prison, or permit himself to starve when there, would either sell every dollar's worth of property he has, or surrender it into the hands of the officer. The only advantage that can be derived from this law is, where a person chooses to abscond, leaving his wife and children in possession of such property as the laws authorise them to keep. The benefits of this law, then, are reduced to this in prac-

tice, that the honest debtor cannot retain any of his property from a cruel creditor, but a dishonest debtor, by absconding, may prevent his creditor from collecting his debt. To retain a few articles of furniture, which the law exempts, you compel him to disgrace himself by an ignominious flight ; you require him to leave his home ; you make him an outcast from his friends, from his duty, and his business. Place this question in any point of view you please, and it still will be evident that it can only benefit the rogue ; and all experience has shown that it affords no advantage to honest men. If a creditor were sufficiently cruel to take from a debtor the articles which the law exempts from execution, were it in his power, he would, without hesitation, order him to prison to compel him to surrender them.

It is true, the law provides, that the debtor, when taking the oath, shall not be compelled to include them in his schedule ; but how often have you known a poor debtor, in possession of what the law *allowed him*, when the oath was administered ? It would scarcely pay the fees of a lawyer to get him through the act, and if he does not employ one, he may lay in jail and rot, before your laws will reach his case. Then where is the humanity of your boasted insolvent laws, where is the equity and even-handed justice which they so freely distribute, through ~~the~~ happy land ? Any one can easily see that these laws are only imitations of what they should be ; " they hold the promise to the ear, but break it to the hope." They are modelled after those of the old common law, but not having *principle* on which to rest, they not only prove useless, but worse than none.

The common law, in holding that property was the *only* return which could be made for the violation of a contract, required the redress of the creditor to be confined to property. This being the only legitimate representative of itself, if no property was possessed by the party, no satisfaction could be given to the creditor ; consequently where the common law authorised the exemption of certain articles, such as the books of the scholar, the axe of the carpenter, and the like, it answered the end designed and avowed, which was, that the debtor might not be prevented from supporting his family, and serving the commonwealth in his station.

Here, then, are two laws, possessing equal privileges, holding out, *apparently*, equal benefits ; and yet in their practice are entirely at variance : one answers the purpose designed to the full-

eat extent, the other has no effect, and why is this so? The answer is easy; one is founded on the immutable principles of truth and justice; while the other is based upon the most flagrant violation of the *priceless* privileges of human rights—it is the deformed offspring of tyranny.

It would require more than ordinary labor to point out the many violations of natural rights, and the evident tendency of the insolvent laws to immorality of the worst description. All of which, we may easily see, is produced by the first step from the correct course.

It will be said, that creditors are not disposed to be cruel, when debtors are inclined to be honest.

The presumption on which the insolvent laws are founded, as will be seen by reference to the proclamation of Elizabeth, is just the reverse. It is unfortunately true, that the most of creditors are more anxious to compromise with a dishonest, than with an honest debtor. They are well aware that if they put the dishonest one to jail, he will as soon swear false as tell a lie, and they will get nothing; whereas, if they compromise, something may be saved. The consequence is, that an honest man has not the same advantages as the rogue; it not only gives the dishonest man this advantage, but every inducement is held out to compel him to add perjury to his other offences. It will have the same effect, in a degree, on the honest man, finding himself shut up in a jail, and feeling himself entirely free from wilfully doing wrong, his resentments naturally grow stronger against the creditor, who, to compel the performance of a contract which is beyond his power, has thus disgraced him, deprived him of the power to help himself, or to protect or support his family.

What is it natural to suppose would be his feelings? Would he not resolve to resent so gross an outrage? Would he not determine that what property he did possess, should not go to pay a man whom he must believe was his greatest enemy, but that it should be kept to support his family, and to pay his more lenient creditor. Under this state of feeling, he would reason himself into the belief that it was right to release himself from the bars of a prison, by means of the insolvent oath. Will any person say that he is not aware of many oaths thus forced from persons thus circumstanced, which are false?

It would *seem* to be *almost* justifiable thus to visit upon an oppressive creditor the cruelty of his acts, in a way most likely to affect his feelings. Laws should be so framed as to require no test of individuals where their *interests* and their *resentments* conspire to force them to commit perjury. Surely there never was, or ever could be a system of laws so completely framed in all their parts, to produce the object which they so certainly aim at, as the whole of the laws relative to imprisonment for debt. Not one part of them but tends to debase the moral sense and degrade the habits: Not one provision but stimulates to crime and deters from virtue: Not one clause which does not tend to oppress the honest poor and accommodate the rogue. They never have answered one solitary end for which laws ought to be established, but have in every way promoted the evils which laws are intended to prevent.

The committee, therefore, being thoroughly convinced from the foregoing considerations, that the abolishment of imprisonment for debt is a measure called for not only by natural justice and humanity, but by sound policy and expediency, have considered in what manner and by what form of enactment this measure should be carried into effect. As their aim has been throughout to distinguish between *mere indebtedness* and fraudulent conduct on the part of debtors, and to point out the flagrant injustice of visiting both indiscriminately with a severe and vindictive punishment, so would they cautiously endeavour, while protecting the innocent from unmerited severity, not to screen the guilty from the just rigours of the law.

The effect of doing away with imprisonment for debt being to leave creditors without other resort than as against the property of their debtors, every precaution should be taken to prevent and punish, not only any fraudulent attempt on the part of a debtor to place his property beyond his creditors reach, but every act of his with respect to his property which may weaken the creditors security from that source.

Provision to a certain extent is already made on this subject by the Revised Statutes; but the committee think that any law by which imprisonment for debt shall be abolished, should not only define with reasonable certainty, what acts a debtor may not do with his property, but declare those acts, if done, to be offences punishable criminally; and they are of opinion that in all cases of conviction and consequent imprisonment for such offence, committed by a debtor,

the provisions of the Revised Statutes, authorising the appointment of trustees to take charge of his property and pay his debts with it, should apply.

The committee have therefore prepared an act, in conformity with these views, and have directed their chairman to bring in the same.

IN ASSEMBLY,

February 11, 1831.

REPORT

Of the committee on the erection and division of towns and counties, on the petition of inhabitants of the town of China, Genesee county.

Mr. Knight, from the committee on the erection and division of towns and counties, to whom was referred the petition of the inhabitants of the town of China, in the county of Genesee, for a division of said town,

REPORTED—

That the territory comprehended in the town of China, is twelve miles long by eight broad ; and by the late census of the United States, contains a population of about 2,400 inhabitants. That the peculiar location of the inhabitants and course of the roads, render it necessary for many of the inhabitants to travel ten miles to attend the annual town-meeting.

And it further appearing that a majority of the taxable inhabitants ask said division, the committee have therefore prepared a bill, which they ask leave to present.

IN ASSEMBLY,

February 14, 1831.

REPORT

Of the select committee on the petition of Henry F. Penfield.

Mr. Fillmore, from the select committee to whom was referred the petition of Henry F. Penfield,

REPORTED—

That they have had said petition under consideration ; and it appears from the petition that an act was passed in 1826, (see Sess. p. 37,) by which the said petitioner and Ogden Edwards, the proprietors of Squaw-Island, in Niagara river, were authorised to establish a ferry from said island to the Canada shore ; the duration of which act was limited to the term of five years from the first day of May, 1826.

The said petition also states that the petitioner and his associate have complied with the provisions of the act of 1826, establishing said ferry, and have a good horse-boat in operation at said ferry ; and for reasons which are stated in the petition, said ferry has hitherto afforded very little income ; they therefore pray that the provisions of said act may be extended for the term of ten years beyond its present limitation.

It appears from the papers before your committee, that notice of this application has been published in the state paper and in a paper printed in the county where said ferry is established, for six weeks ; and although your committee are of opinion that this notice is unnecessary, yet as no remonstrance has been sent in to oppose the ap-

plication, it is very strong evidence that there is no opposition to the prayer of the petitioner.

Your committee have therefore come to the conclusion that the prayer of the petitioner is reasonable, and ought to be granted, and have directed their chairman to ask leave to introduce a bill accordingly.

IN ASSEMBLY,

February 14, 1831.

REPORT

Of the select committee on the petitions of merchants, masters and owners of vessels navigating the East river, &c.

Mr. Morgan, from the select committee, consisting of the delegation attending this House from the city and county of New-York, to whom was referred the three several petitions of merchants, masters and owners of vessels navigating the East river, Hurl-Gate and Long-Island Sound, from New-York, Albany and Troy,

REPORTED :

The committee have had under consideration the three petitions for a repeal of the law passed April 16th, 1830, authorising half pilotage to be charged in certain cases, on all vessels of or over one hundred tons burthen, passing through the East river and Hurl-Gate, and to allow masters to take or refuse a pilot at their option.

Your committee are of opinion that the law of 1830 was necessary to encourage skilful and attentive men to act as pilots for vessels passing through the dangerous and difficult channel of the East river and Hurl-Gate ; also, that the law fixing the tonnage of vessels at one hundred, exempts a large proportion of all vessels passing the Gate engaged in the coasting trade. Your committee are of opinion that it never was the intention of the Legislature to establish a board of pilots for this place, and then exempt all coasters from pilotage ; but that it was the intention to give to the pilots a fair and equitable compensation for their services.

It appears in evidence to your committee, that \$530 is near the average pay of each pilot on this station per year ; and that the total amount of half pilotage complained of, has amounted to \$171.04, since the law was passed.

The committee are therefore unanimous in their opinion, that the law of 1830 ought not to be repealed, and ask leave to introduce the following resolution :

Resolved, That the petitioners have leave to withdraw their petition.

IN ASSEMBLY,

February 17, 1831.

REPORT

Of the Minority of the committee on Trade and Manufactures, on two several Petitions for a division of the office of Flour Inspector in the city of New-York, &c.

The minority of the committee on trade and manufactures, to which committee were referred two several petitions for a division of the office of flour inspector in the city of New-York, and a remonstrance against any alteration of the existing law on that subject, ask leave to

REPORT:

In discussing the question, whether the inspection of flour and meal in the city of New-York, shall be confided to three inspectors, instead of one general inspector, as at present, it is proper first to inquire, what has been the practical effect of the existing laws? The manufacturers and dealers have made no complaint that their flour has not been promptly inspected; they have not attempted to show that the standard of flour as now regulated, is improper. Nor has it been pretended by any one, that an alteration in the mode of inspection can raise the character of the great staple of the State. Under the existing laws, that character has been raised, and is still raising, not only at home, but in foreign ports. If there is one particular article of the produce of this State, which it is the duty of the Legislature to protect, it is that of flour; not only because it is almost the first necessary of life, but that the cultivation of grain furnishes employment to the great bulk of our population. The consumer, the grower, the manufacturer, and the merchant, are

alike interested in preserving the high reputation which our flour now enjoys. It is confidently asserted, that nothing has contributed more to the raising of that reputation, than the wisdom of those provisions of law, which now govern the inspection of flour. And in support of this assertion, the minority of the committee refer to the well known fact, that the quality of our flour has, under those provisions, been materially improved. The petitions referred to the committee, do not contain a word, which might be supposed to intimate that the quality of flour would be improved by the proposed alteration. And the information derived from gentlemen intimately acquainted with the subject, and those engaged in the manufacture and trade, induces a belief that a contrary result would follow.

In looking over the names of the petitioners and remonstrants, it will be found that although a large number appear upon the petitions, there are but few who are manufacturers of flour, or dealers to any extent in the article. Upon the remonstrance are the names of persons who, in the aggregate, own or represent a very great proportion of all the flour sold in the city of New-York—especially of that manufactured in our own State. Indeed, taking into the calculation one mercantile house, the name of which is not on either of the papers, but which is known to be opposed to the alteration proposed by the bill reported, the manufacturers, through their agents, and in some instances by their own signatures, have remonstrated against any amendment, almost with unanimity—at least, in proportion of four-fifths of all the flour made in this State and sent to the New-York market. The minority of the committee have no hesitation in saying that the proposed bill is not called for by those immediately interested in the inspection of flour.

Why, then, should this bill, providing for the appointment of three inspectors, pass? Because, say the petitioners, one person cannot perform the duties. But the duties have been performed, and well performed, and to the satisfaction of those concerned: the petitioners themselves do not pretend to the contrary. They have, it is true, been done by deputies, in a great measure. Those deputies the inspector is authorised by law to appoint, and he is bound to superintend them, and is responsible for their conduct.

An argument is raised against the present system, which, so far as it goes, is well founded;—that the office of flour inspector is too lucrative. To a bill reducing the fees of the office, the minority of

the committee would have made no objection; and such a bill it is their intention to introduce hereafter. Should the House agree with them in reducing the fees to such a rate as will lower the compensation to a liberal but not extravagant amount, it is conceived that there will be no necessity for any other legislation on the subject.

The minority of the committee of trade and manufactures object to the passage of the bill offered by the majority,

1. Because the alterations proposed in that bill are uncalled for by those who are most immediately interested, and of course, best qualified to judge of its provisions.

2. Because it directly contravenes the policy, adopted upon the most mature deliberation, in regard to the inspection of our staple commodities: which is, that for the purpose of maintaining a high and uniform standard, there should be a responsible head, to every inspection department.

3. Because they believe that the present mode of inspecting flour has been found in practice to be of public benefit, and should not be changed upon slight grounds.

For these reasons, and others which have suggested themselves, but are not now referred to, the report of the majority of the committee is dissented from.

It is submitted, that no sufficient cause has been shown in favor of so material a change in the laws regulating the inspection of flour; that those laws have been found of beneficial operation; and that the proposed alteration is at best a doubtful experiment. Whether it is expedient to overturn laws of the good effects of which we have had ample evidence, to go in search of something more perfect, is submitted to the wisdom of the House.

Before closing, it may not be improper to remark, that the only benefit which seems likely to result from the passage of the bill reported, will be the creation of offices—which, however important to those persons who might fill them, are not deemed to be required for the public accommodation.

The minority regret that so wide a dissension should have occurred in the committee, on a subject of such general interest, and one so much connected with the industry and trade of the State. While

they treat with deference the opinions of their associates, they should not consider themselves as having discharged their own duty, without offering briefly the reasons for their dissent.

All which is respectfully submitted.

IN ASSEMBLY,

January 31, 1831.

ANNUAL REPORT

Of William Barber, an Inspector of Beef and Pork
for the county of Oneida.

This may certify to the honorable the legislature of the state of New-York, that I, William Barber, inspector of beef and pork in and for the county of Oneida, of said state, do

REPORT :

That I have inspected and branded, according to the best of my knowledge and ability, during the year 1830, one thousand and forty-one barrels of beef and pork, and twenty-four half barrels, all of good quality, as follows, viz :

238 bbls. mess beef, at	\$8 00	\$1,904 00
562 " prime "	5 50	3,091 00
24 half bbls. mess beef, at	4 50	108 00
112 bbls. mess pork, at	12 00	1,344 00
129 " prime "	9 00	1,161 00
		<hr/>
		\$7,608 00
		<hr/>

Received for inspection, fifteen cents for each barrel, and ten cents for each half barrel—amounting to \$158 55. In witness whereof, I have hereunto subscribed my name, at Lee, Oneida county, this 24th January 1830.

WILLIAM BARBER,
Inspector of Beef and Pork.

IN ASSEMBLY,

February 2, 1831.

REPORT

Of the select committee on the petition of the Supervisors of the county of Cattaraugus.

Mr. Hubbard, from the select committee to whom was referred the petition of the supervisors of the county of Cattaraugus,

REPORTED—

That they have had the said petition under consideration, and that they find a law passed April 16, 1829, authorising the supervisors of the county of Cattaraugus to raise \$6,000, for the purpose of building a court-house and jail in said county. And that by the same act commissioners were appointed to superintend the building of the court-house and jail: and that the said commissioners have gone on and erected the said court-house and jail, and have got them in a state of forwardness, but not fully completed.

The petitioners further state, that the whole amount of the \$6,000 has been expended, and was wholly inadequate to the completion of said buildings; and that unless they are completed they will soon decay and suffer material damage. The said petitioners therefore ask the Legislature to pass a law making it the duty of the supervisors of the county of Cattaraugus, at their next annual meeting, to raise a sum of money, not exceeding \$1,200, for the purpose of completing the said buildings.

The committee deem the petition reasonable, and are of opinion that the same ought to be granted; they therefore direct their chairman to prepare a bill, and ask leave to introduce the same.

[A. No. 135.]

IN ASSEMBLY,

January 31, 1831.

ANNUAL REPORT

Of Robert Snow, an Inspector of Pot and Pearl Ashes
for the city and county of New-York.

To the Honourable the Legislature of the State of New-York.

Report of pot and pearl ashes inspected by Robert Snow, (late one of the inspectors of pot and pearl ashes in and for the county of New-York,) from the first day of January, 1830, up to the 4th day of February, 1830, pursuant to the direction of the Revised Statutes of the state of New-York in such case made and provided, viz :

	<i>Weight.</i>
271 barrels first sort pot ashes,.....	138,671
51 " second " "	25,378
5 " third " "	2,362
1 " condemned pot ashes,.....	541
scrapings or crustings,.....	1,732
109 " first sort pearl ashes,.....	39,271
4 " second " "	1,673
<hr/> 441	<hr/> Total, 210,321 <hr/>

Fees,..... \$210 33

ROBERT SNOW,
Inspector.

New-York, January, 1831.

IN ASSEMBLY,

January 31, 1831.

ANNUAL REPORT

Of Jeffry Hand, Jun. an Inspector of Lumber for the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

The subscriber, one of the inspectors of lumber in and for the city and county of New-York, begs leave, in conformity to the laws of the state of New-York, to submit herewith his annual report, for the year ending on the 31st day of December, 1830.

<i>Feet.</i>	<i>Per M.</i>
306,847 mercht. eastern pine timber, value from....	\$11 to \$13
109,862 refuse " " "	5½
408,973 mercht. spruce timber, value from	10 to 11
207,895 refuse " "	
12,327 Albany boards and plank, value from	12 to 14
20,387 mercht. yellow pine sheathing, value from..	11 to 13
18,236 refuse " " " ..	5½ to 6½
62,083 merch. southern boards, plank & joist, from	22 to 25
30,137 refuse " " " " "	11 to 12½
59 tons pine timber, not known.	
4,250 inches spruce spars, "	
8,378 merch. maple, birch and beach joist & plank,	15 to 25
2,583 refuse " " " " "	7½ to 12½
18,276 mahogany, not known.	
22,478 mercht. cedar boards, from	17 to 22
9,869 refuse " "	8½ to 11
63,007 whitewood boards and plank, from	16 to 20
238,975 cypress shingles, from	2½ to 2¾
150,000 mercht. eastern boards, from	12 to 13
100,000 " " "	8
50,000 " " "	4

Received for inspection,..... \$635 12½

JEFFRY HAND.

New-York, Jan. 24th 1831.

[A. No. 137.]

IN ASSEMBLY,

January 31, 1831.

ANNUAL REPORT

**Of Isaac Ingersoll, an Inspector of Beef and Pork
for the county of Madison.**

The following is the number of barrels of pork inspected by me
for the year ending January 1st, 1831.

Barrels of prime,	1,174
“ mess,	361

Total,..... 1,535 barrels.

Amount of fees at 2 shillings per barrel,..... \$383 75

ISAAC INGERSOLL,
Inspector.

Cazenovia, Jan. 20th, 1831.

[A. No. 138.]

IN ASSEMBLY,

January 31, 1831.

ANNUAL REPORT

Of James Lowerre, an Inspector of Beef and Pork
for the city and county of New-York.

To the Honorable the Legislature of the State of New-York.

In conformity with the provisions of the law regulating the inspection and repacking of beef and pork, I hereby report, that the quantity, qualities and value of the beef and pork inspected and repacked by me, from the first day of January, 1830, to the first day of January, 1831, are as follows, viz :

5,415 mess pork,	value	\$14½	per bbl.	\$78,517 00
9,783 prime "	"	10½	"	102,721 50
136 cargo "	"	9	"	1,224 00
452 thin mess pork,	"	13½	"	6,102 00
574 flank "	"	12	"	6,888 00
299 soft "	"	12½	"	3,737 50
336 " prime pork,	"	9½	"	3,192 00
157 sour mess "	"	11½	"	1,805 50
376 " prime "	"	9½	"	3,572 00
73 rusty mess "	"	11½	"	839 50
154 " prime pork,	"	9½	"	1,463 00
10 musty mess "	"	11½	"	115 00
11 " prime "	"	9½	"	104 50
2 boar mess pork,	"	11½	"	23 00
4 " prime "	"	9½	"	38 00
45 tainted mess pork,	"	11	"	495 00
135 " prime "	"	9	"	1,215 00
229 heads and shoulders, ..	"	7	"	1,603 00
21 necks " " ..	"	7	"	147 00
23 tainted hams,	"	5	"	115 00

[A. No. 139.]

1

10 small pieces pork,	"	5	per bbl.	50 00
477 mess beef,	"	9	"	4,293 00
1,038 prime "	"	6½	"	6,747 00
32 cargo "	"	4½	"	144 00
9 sour mess beef,	"	3	"	27 00
4 " prime "	"	3	"	12 00
9 necks and shanks,	"	1½	"	13 00

19,814 barrels.

36 half. bbls. mess beef, value	5	per half bbl.	180 00
1 " prime "	4	"	4 00

37 half bbls.

Total value, \$27,388 00

JAMES LOWERRE,
Inspector.

New-York, Jan. 1831.

IN ASSEMBLY,

January 31, 1831.

ANNUAL REPORT

**Of Ebenezer Thayer, an Inspector of Sole Leather
for the county of Tompkins.**

**Ebenezer Thayer, inspector of sole leather in and for the county
of Tompkins,**

RESPECTFULLY REPORTS :

**To the honorable the legislature of the state of New-York, in
Senate and Assembly convened, that he has within the last year,
ending on the last day of December 1830, inspected**

3,419 sides of sole leather.

Weight of the same, 38,233

Total value at 23 cents the pound,.. \$8,793 59

Amount of fees received, 96 08

**The quality of the leather tanned in this section of the country has
been very much improved within the last five or six years, and par-
ticularly in places where it has been subject to inspection.**

**EBENEZER THAYER,
*Inspector.***

Ithaca, Jan. 1, 1831.

[A. No. 140.]

IN ASSEMBLY,

February 1, 1831.

ANNUAL REPORT

Of the Commercial Bank in the city of Albany.

Commercial Bank, Albany, Feb. 1, 1831.

SIR—

I have the honor to enclose the annual statement of the funds of this institution.

I have the honor to be, sir,

With great respect,

Your ob't. serv't.,

H. BARTOW, *Cashier.*

Hon. GEORGE R. DAVIS,

Speaker of the Assembly.

*State of the funds of the Commercial Bank of Albany, on the 1st,
Feb. 1831.*

Bills discounted, and other securities, all of which are considered good and collectable,.....	\$490,380 20
Balances due from other banks, all of which are in good credit,.....	180,832 72
Notes and checks on other banks in good credit,....	142,426 58
Specie,	25,889 25
Certificate of the receiver of the Franklin bank, on which there is due,	2,367 11
	<hr/>
	\$841,895 86

Capital stock paid in,	\$225,000 00
Nett profits on hand,	25,410 28
Dividends unpaid,	979 00
Bank notes in circulation,	258,832 50
Balances due to other banks,	100,572 16
Other deposits,	231,101 92
	<hr/>
	\$841,895 86
	<hr/>

Joseph Alexander, president, and Henry Bartow, cashier, of the Commercial Bank, being duly sworn, depose and say, that the above is a full and true account of the funds and property of the bank; that the amount of capital subscribed is \$300,000, of which \$225,000 dollars is paid in, and that the amount of specie above stated, viz: \$25,889 25, is bona fide the property of the bank, and has not been borrowed or obtained with a view to make this report.

JOSEPH ALEXANDER,
H. BARTOW.

Sworn before me, this 1st day of Feb. 1831.

C. Y. LANSING, *Commissioner,*

IN ASSEMBLY,

January 31, 1831.

ANNUAL REPORT

Of Ichabod Rogers, an Inspector of Beef and Pork
for the city of Hudson.

To the Hon. the Speaker of the Assembly.

SIR—

I annex a statement of the quantity and kind of provisions inspected by me during the year ending the first day of January instant, pursuant to the provisions of the 185th section of the act, chapter the 17th, of the regulation of trade in certain cases.

68 barrels mess pork, value.....	\$14 per barrel.	\$952 00
167 " prime "	10 "	1,670 00
13 " thin mess "	12 "	156 00
54 " mess beef, value	8 "	432 00
112 " prime "	5 "	560 00
<hr/> 414		<hr/> \$3,770 00

Fees for inspecting 414 barrels provisions at 25 cents per barrel,	\$103 50
Charges for flagging, pegging, nailing, salting and pick- ling the same,	41 40
	<hr/> \$82 10

ICHABOD ROGERS,
Inspector.

Hudson, 28 Jan. 1831.

IN ASSEMBLY,

February 1, 1831.

ANNUAL REPORT

Of Lemuel Conklin, an Inspector of Beef and Pork
for the county of Dutchess.

To the Honorable the Legislature of the State of New-York.

Pursuant to the provisions of the Revised Statutes, I do hereby
REPORT—

That during the year ending on the first day of January, 1831, I have
inspected wheat flour as follows :

6 bbls. extra superfine, valued at	\$32 50	inspectors fees \$	12
164 " superfine valued at	820 00	"	3 28
12 " fine, valued at.....	54 00	"	1 08
	<hr/>		<hr/>
	\$906 50		\$4 48
	<hr/>		<hr/>

And I do further report, that I have not during the said year, in-
spected any fine middlings, middlings, nor ship' stuffs; nor any su-
perfine rye flour, fine rye flour, nor any Indian meal.

All of which is respectfully submitted,

LEMUEL CONKLIN.

Po'keepsie, January 27, 1831.

IN ASSEMBLY,

February 1, 1831.

ANNUAL REPORT

Of Nathaniel Challes, an Inspector of Lumber for
the city of Troy.

To the Honorable the Legislature of the State of New-York.

204,653	feet	first quality pine.
355,185	"	second "
623,668	"	third "
641,768	"	fourth "
202,209	"	face measure.
250,893	"	thin whitewood.
20,054	"	chair plank, first quality.
3,850	"	" " second quality.
26,658	"	white ash.
12,776	"	oak ship plank, first quality, inch.
9,745	"	" " second "
13,664	"	cherry.
844	"	pine ship plank, first.
3,963	"	" " second.
7,415	"	maple scantling, first.
5,802	"	" " " second.
10,851	"	bass boards.
96,387	"	sawed timber.
4,273	"	hickory, or <i>Jackson</i> boards.

Amount of fees received,	\$907 92
Expenses out, about	35 46

NATH. CHALLES.

Troy, January, 1831.

IN ASSEMBLY,

February 10, 1831.

REPORT

Of the Committee on two-third bills on the bill entitled, "An act amendatory of the 'Act for the relief of the heirs of Christian Guthrie,' " with the amendments of the Senate thereto.

Mr. Fillmore, from the committee on two-third bills, to whom was referred the bill entitled, "An act amendatory of the 'Act for the relief of the heirs of Christian Guthrie,' " with the amendments of the Senate thereto,

REPORTED :

That they have had said bill under consideration, and that the facts, so far as your committee deem them necessary to a right understanding of the question, are briefly as follows: Christian Guthrie was a soldier in the New-York line in the revolutionary war, and was killed in battle in July, 1778. He was returned as a dead soldier by the name of Christian *Gutrick*; and a patent was issued to him by the name of *Gutrick*, for lot No. 90, in Milton. That, in the year 1820, said lot of land escheated to the people of this state; but whether such escheat was occasioned by the mistake in the name of the patentee, the inability of the heirs of Guthrie to show that he was the person intended in the patent, or an entire ignorance that any patent had ever been issued, your committee have no means of determining. But from the papers before them, they are induced to believe that they had no knowledge that a patent had ever been issued until after the land had escheated. In the year 1829, an act was passed directing the Commissioners of the Land-Office to cause letters patent to be issued to the heirs of Christian

Guthrie for two hundred acres of land, on condition that they released to the state all their interest to lot No. 90, in Milton. (See sess. 1829, p. 104.)

This act, it appears, has been inoperative, on account of the inability of those heirs to establish the fact of sole and exclusive heirship; and although the act itself is indefinite as to the time when this shall be done, yet, by a provision of the Revised Statutes, (vol. 1. p. 205, sections 44 and 45,) this must be done within one year, or the authority of the commissioners expires, and the act becomes a dead letter. The act now under consideration proposes to extend the time for complying with the provisions of the act of 1829, or in other words, proposes to revive that act and continue it in force, with some slight modifications, for one year from the passage of this act. It is also conceived, that the proposed amendments from the Senate, so far as they involve the question as to whether this bill requires two-thirds of all the members elected to each branch of the Legislature to concur in its final passage, in order that it may become a law, are substantially the same as the original bill.

This bill having the effect to revive the act of 1829, so far as that act *appropriates* the property of this State, it must be clear that if the passage of that act required the constitutional vote of two-thirds of each House, then this does; but if that did not, then it is equally clear that this does not.

The words of the constitution are, (art. 7, sec. 9,) that "the assent of two-thirds, &c. shall be requisite to every bill *appropriating* the public monies or *property* for local or *private* purposes."

In the construction of this clause of the constitution, it appears to have been settled, by repeated decisions of the Legislature, that the payment of a claim, or the fulfilment of an obligation or contract on the part of the state, which if the state had been liable to prosecution, might have been enforced in a court of law or equity, is not an appropriation to private purposes within the meaning of this clause of the constitution.

This rule being established, the next inquiry is, whether the act of 1829, authorizing the conveyance of two hundred acres of land to the heirs of Christian Guthrie, is the mere bounty of the state, which they are morally, but not legally, bound to bestow; or wheth-

er it is the fulfilment of a contract or the performance of an obligation, which they were legally bound to perform.

In the first place, this act authorises this conveyance, on condition that the *heirs* of Guthrie, to whom this conveyance is to be made, release all "their estate and interest in lot No. 90, Milton, to this state." Now these *heirs* either have, or have not, an interest in that lot. If they have an interest, (and it would seem from a release being required, that they have,) then it is but passing a law, authorising the exchange of lands in Stirling for lands in Milton. A law to effect this cannot be within this clause of the constitution. It is no more an appropriation to private purposes, than the payment of money for the purchase of land on which the capitol is erected, or for the materials or labor for the state penitentiaries. But admitting that they never had any title to lot No. 90, it would be very questionable, in the minds of your committee, whether an agreement on the part of the state to convey, if these heirs would procure these releases to be executed, would not be an agreement founded on a sufficient consideration to be enforced in a court of law against an individual standing in the same situation.

It is never considered essential to the sufficiency of a consideration in law, to render a contract binding, that the act to be performed should be beneficial to the contractor; it is sufficient that it occasions some damage or expense to the party performing it. The procuring of these releases must put these heirs to some expense and inconvenience, and though the procuring them to be executed, should result in no benefit to the State, yet your committee can see no reason why it is not a fair and obligatory contract on the part of the State, to convey these 200 acres of land, if these releases are procured for lot No. 90, in Milton. It will be recollected that the *amount* of the consideration cannot vary the principle, as to the validity of the contract, or the vote that it will require to pass the bill. It can hardly, however, be conceived that the State would require these releases unless they expected to derive some advantage from them. It is not to be presumed that they would wantonly impose this burthen upon the heirs of this object of their bounty, merely for the purpose of injuring them without benefitting the state. But without giving a definite opinion, whether these considerations would render the bill a majority bill or not, your committee deem it necessary to take a view of the original obligation, on the part of the State, to Guthrie, and inquire whether that has ever been discharg-

ed. If it has not, then this is but the performance of an obligation too long delayed; if it has, then this bill is but to dispense the charities of the State, and will require a vote of two-thirds to pass it.

That there was a legal and just obligation on the part of the State, to give to the heirs of Guthrie, 500 acres of land, is fully established by the reports of several committees, and is further evidenced by an attempt, on the part of the State, to perform that obligation. But did they ever perform it? They patented 500 acres of land to Christian *Gutrick*. They were under obligation to convey it to *Guthrie*. This was most clearly not a performance of that obligation. Neither Guthrie nor his heirs could make out a title to this land under that patent, without resorting to other proof than such as was contained in the patent. It might be questionable whether he would even have been permitted to prove by parol, that *Gutrick* in the patent, was intended for Guthrie. The effect of this evidence, if admitted, would again depend on other circumstances. For, by a decision of the Supreme Court, if there was in fact a person by the name of *Gutrick*, who was capable of taking this land, they would not hear evidence to show that Guthrie, and not *Gutrick*, was the man intended.

In a case decided in the 12th Johnson's Reports, where a patent for military bounty lands was issued to a man by the name of *Houseman*, when it ought to have issued to *Hosmer*, and persons claiming under *Hosmer* offered to shew that he was the person intended, and that *Houseman* was never entitled to any bounty lands, the court refused to hear the evidence. But without attempting to decide how far this patent to *Gutrick* was capable of explanation by other proof, or what effect such proof might have in a court of justice on the question as to the title to said lot, your committee are decidedly of opinion, that as between Guthrie and the State, the State had not discharged its obligation to him, by conveying his quota of land to *Gutrick*. That he had a right to insist on a conveyance that should vest in him and his heirs the title, without the risk and expense of proving by parol testimony, that a patent in which Christian *Gutrick* was named as grantee, was in fact intended for Christian *Guthrie*. That he has done no act, waiving this right to insist on the State's performing its contract according to the spirit and meaning of that contract; and as it is not pretended that this contract has been subsequently discharged, it therefore follows

that the passage of the bill in question would be but another attempt to perform that same contract, and could only require the vote of a majority of this House to pass said bill.

It is not without some diffidence that your committee have come to this conclusion, after hearing the opinion of so able a committee as the committee on claims, expressed to the contrary. But it is believed by your committee, that the committee on claims would probably have come to the same conclusion, had they reasoned from the same facts.

Your committee, however, are confirmed in the conclusion at which they have arrived, by observing that the act of 1829 underwent a discussion on this subject, and was decided to be a majority bill only, and passed this House as such. (See Assembly Journals, 1829, p. 301.)

Your committee therefore beg leave to recommend the adoption of the following resolution :

Resolved, That the assent of two-thirds of all the members elected to each Branch of the Legislature is not necessary for the passage of the bill entitled "An act amendatory of the 'Act for the relief of the heirs of Christian Guthrie.'"

IN ASSEMBLY,

February 8, 1831.

REPORT

Of the committee of claims, on the bill entitled "An act amendatory of the 'Act for the relief of the heirs of Christian Guthrie,' " with the amendments of the Senate thereto.

The committee on claims, to which was referred the bill entitled "An act amendatory of the 'Act for the relief of the heirs of Christian Guthrie,' " with the amendments of the Senate thereto,

REPORTED:—

The Senate propose to strike out the first and only section of the bill, as it passed this House, and to substitute two sections, the first of which adopts the principle sanctioned by this house, and applies it to three of the persons claiming to be heirs, instead of all the heirs. Your committee prefer the provision made by this House, as more general in its terms, and in their view more clear and explicit, and better calculated to make a final disposition of this claim. The second section proposed by the Senate, provides that Abel Guthrie, one of the claimants, shall receive a patent for the residue of the land not granted, pursuant to the first section, and shall hold the same in trust for the heirs not yet discovered. This question was considered by your committee, when this claim was originally referred to them, and they could not then perceive, nor have they been able since to discover any reason, why the State of New-York would not be as safe a trustee for the unknown heirs, as Abel Guthrie or any other individual. Whether he would have a right to dispose of the property so held in trust, and if he should do so, whether the persons interested in the execution of the trust, would have a claim upon the State for the consequences of an abuse of the authority

[A. No 146.]

granted, are questions which obviously suggest themselves, but which your committee do not deem it necessary to discuss.

Your committee therefore recommend to the House, not to concur in the amendments proposed by the Senate.

There is another question presented, which the committee suppose it their duty to notice. The amendments proposed by the Senate purport to have been passed by a majority of that body. It seems to your committee, that the facts of this case, as it is now presented, have not been adverted to. The claim now is *not* for a remuneration in bounty lands for services in the revolutionary war. The land was granted by the land-office, to Christian Guthrie, and consisted of lot ninety, in Milton. The claim for bounty lands has therefore been satisfied. But the land has been escheated to the State, by regular proceedings for that purpose, and the petitioners now ask for relief from the escheat. It is wholly immaterial in what manner the original title was acquired, whether by grant from the State or from an individual; that title has been legally escheated, and relief is asked on the ground that the heirs of Guthrie were ignorant of the provision made in their favor, and, of course, ignorant of the proceedings in escheat. It seems to your committee, that a knowledge of the nature of the application, is all that is necessary to satisfy any one, that the original act for the relief of the heirs of Guthrie, and the amendatory bill under consideration, both provide a gratuity for these heirs, to remunerate them for the loss sustained by the escheat, and are therefore bills for private purposes, within the meaning of the constitution.

Your committee recommend to the House the adoption of the following resolutions:

Resolved, That in the opinion of this House, the bill entitled "An act amendatory of the 'Act for the relief of the heirs of Christian Guthrie,'" is a bill for a private purpose, and requires the votes of two-thirds of the members elected to each branch of the Legislature, to pass the same, and that the amendments of the honorable the Senate to the said bill, are of the same character, and require the same vote to pass them.

Resolved, That the said bill, with the amendments thereto, be returned to the honorable the Senate, with the foregoing resolution.

IN ASSEMBLY,

February 3, 1831.

ANNUAL REPORT

Of Isaac Sherwood, an Inspector of Sole Leather in
and for the city and county of New-York.

Isaac Sherwood, inspector of sole leather for the city of New-York.

RESPECTFULLY REPORTS :

That he has inspected since the 19th day of 4th mo. last, the day
he received his commission,

50,350 sides of good and best sole leather averaging about 15 lbs. per side making 755,250 lbs. at the average value of 21 cts per lb.....	\$158,602 50
12,466 sides of bad and damaged, wt. 187,320 lbs. valued at 15 cts. which amounts to,.....	18,098 00
<hr/> 62,836	<hr/> \$176,700 50

Fees for inspecting 62,836 sides at 2 cents, is.....	\$1,256 56
Paid for labors,.....	550 16
	<hr/> \$1,006 40

All of which is respectfully submitted.

ISAAC SHERWOOD,
Inspector.

New-York, 1st mo. 31st, 1831.

IN ASSEMBLY,

February 3, 1831.

REPORT

Of the committee on the petitions of aliens, on the petition of Lewis Benoit.

Mr. Cargill, from the committee on the petitions of aliens, to whom was referred the petition of Lewis Benoit,

REPORTED—

That Benoit is a creole or coloured man, and a native of France : That he came to this country when he was but two years of age, and has continued to reside in the city of New-York ever since. He has a wife and family, and has by his industry and attention to his calling, which is that of a musician, acquired some property, and bought a house and lot in said city, and is desirous of being the legal owner of the same in fee simple, so that it may descend to his children, or otherwise disposed of, without his title being called in question.

Said Benoit is represented to be by some of the most respectable citizens of New-York, a sober and temperate man, of regular habits and good character. And your committee can see no good reason, although he is precluded by the word *white*, in the act of Congress, from becoming naturalized, why he should not be permitted to hold real estate, as well as natives of colour by the constitution and laws of our State. Influenced by these reasons, as well as others, that might be adduced, your committee are of opinion that the prayer of the petitioner, which is to be permitted to hold real estate, ought to be granted ; and they have prepared a bill, and directed their chairman to ask leave to introduce the same.

[A. No. 148.]

IN ASSEMBLY,

February 3, 1831.

REPORT

Of the select committee on the petition of Edward Copland and others, firemen of the village of Brooklyn.

Mr. Downing, from the select committee to which was referred the petition of Edward Copland and others, firemen of the village of Brooklyn,

REPORTED—

That the petitioners pray for a modification of the law of 1827, reducing the several laws relating to the village of Brooklyn into one act, so as to abridge the term of service of the firemen of that village, from twelve to seven years; and they assign as a reason for the law, that the buildings in that village are constructed of combustible materials, and consequently their duties are more liable to be called into requisition.

It also appears before your committee, that the privilege prayed for by the petitioners has been granted to the firemen of several of the populous towns of the state, where the advantages and easy access to water to supply the engines are much greater than to the firemen of the village of Brooklyn.

Your committee are of opinion that the prayer of the petitioners ought to be granted, and leave is asked to introduce a bill.

IN ASSEMBLY,

February 11, 1831.

REPORT

**Of the Commissioners of the Land-Office, on the
Petition of John McCrea, John Moore, and Catharine McLaughlin.**

The Commissioners of the Land-Office, to whom have been referred by the Honorable Assembly three several petitions, to wit:

The petition of John McCrea, of the town of Fort-Covington, in the county of Franklin, praying the pre-emptive right to a lot of land in the village of Fort-Covington, in the county of Franklin :

The petition of John Moore, of the same place, praying an extension of his lease for a lot of land in the same village, or that he may have granted to him the right to purchase the same, at its appraised value, exclusive of the improvements he has made thereon :

And the petition of Catharine McLaughlin, of the same place, also praying the extension of the term of a lease given to her late husband for a lot of land in the same village, or that the pre-emptive right to the lot, exclusive of the improvements, may be granted to her:

RESPECTFULLY REPORT :

That all the lands in question are parts of the mile square of land reserved to the State, upon the Salmon River, in the town of Fort-Covington, in the county of Franklin, being part of the tract of land known by the denomination of the St. Regis Reservation. The village plot, of the village of Fort-Covington, is upon this mile square, and all the lands, mentioned in these three petitions, are within the bounds of the village, or immediately adjoining upon it.

[A. No. 150.]

The lot mentioned in the petition of McCrea, is in the central part of the village, and is a small narrow strip of ground situate between the public square, reserved in the original survey and plan of the village, and the Salmon river, and is only separated from the square by Salmon-street. It extends along the river across the whole front of the public square and cemetery ground, a distance of six hundred and seventy-nine feet, and is in some places not more than thirty or forty feet wide from the street to the river. This ground, from its location, was evidently not intended to be sold, as upon the survey and map it was not numbered as a lot, and in the appraisalment made of the village lots, no value was set upon this lot. Salmon-street is laid as nearly upon the bank of the river as it could well be, and continue it upon a straight line, and this is the narrow strip of ground lying between this street and the river, at the point where the street and the river approach nearest to each other.

Should it be sold, buildings might be erected upon it in a manner to destroy in a great measure the beauty and prospect of the grounds reserved for the public uses of the village, and it might give occasion to those who have purchased lots in the vicinity, with anticipations of the advantage of a location near the public square, and with the understanding that this open space to the river was not to be occupied, to complain.

The Commissioners also find that a gun-house erected with money drawn from the treasury, for the preservation of a piece of ordnance and its equipments belonging to the State, but in the use of a company of artillery of the village, is located upon a corner of this lot; and it cannot, therefore, be granted without the reservation of so much as it may be necessary to reserve for the convenient use of this gun-house, except by conveying the title to the house as well as the land.

A law was passed on the 21st March, 1825, authorising the Commissioners to lease this lot to Benjamin Sanborn for a term of years, and upon certain conditions mentioned in the act. Mr. Sanborn, however, has never come forward and taken a lease, and the act has remained inoperative.

McCrea, the petitioner, claims no interest in the lot, either possessory or otherwise, and, therefore, as is to be presumed from his petition, desires the purchase merely as a profitable investment of money, and this he would prefer to make without the risk of en-

countering the competition which might be excited by the sale of the lot in the usual manner. The Commissioners know no reason why this privilege should be granted to him rather than to any other individual. They are at present impressed with the belief, that a fair regard for the interests of this new but flourishing village, requires that this small piece of ground should not be sold at all, but if it is to be sold, they are clearly of the opinion that the prayer of this petitioner should not be granted, but that the sale of this lot should take the course of the ordinary sales of the public lands of the State.

By an act passed on the 3d April, 1821, (see laws of that session, page 255,) the Surveyor-General was authorised, in his discretion, to lease for the term of ten years, the lands reserved for military purposes within the mile square in the St. Regis Reservation, being the same mile square of land before spoken of. Pursuant to that act, the Surveyor-General did enter into a lease with George B. R. Gove and John Moore, for one of the military lots so reserved within the said mile square, containing, exclusive of certain exceptions and reservations made in the lease, forty-six acres of land. The lease bore date on the 10th day of May, 1822, and was to run until the 3d day of April, 1831, and the yearly rent reserved was twelve dollars. By an assignment upon the lease, accompanying the petition of John Moore, it will appear that on the 28th April, 1825, Gove assigned to Moore, his co-lessee, all his interest in the lease for the remainder of the term; and from the petition it will be seen that the land has been occupied under the lease to the present time. The Commissioners find, upon inquiry, at the Comptroller's office, that the rent accruing upon this lease has been paid up to the present year, and from persons residing in the immediate neighborhood of the premises, and well acquainted with the land, and with its present situation, they are informed that the tenant cannot have obtained sufficient avails from the lot to compensate him for his payments of rent, and for the improvements he has made up to the present time. This information they believe may be relied on, and that this allegation in the petition, may be considered established by it.

The necessary consequence, therefore, of exposing this land for sale in the ordinary course, as soon as the tenant's present term shall expire, must be to draw against him a competition induced by the improvements he has made, and for which he has not been com-

compensated from the use of the land. This the Commissioners feel safe in supposing the Legislature will not be inclined to do, and therefore that they will adopt one of the alternatives prayed for by the petitioner.

One of these alternatives, that of paying the petitioner for his improvements as they may be appraised, the Commissioners cannot recommend. Experience has already shown them most fully, that appraisements thus made, to be paid out of the public treasury, will always be liberal, if not exorbitant; and that land falling into the hands of the State, charged with large sums paid for improvements, cannot be sold without loss, while the improvements in a short time become valueless for want of attention, and from the great liberties always taken with public property found without an immediate protector.

There may not be any great choice between the two remaining propositions of the petitioner; that of selling him the land at its appraised value exclusive of his improvements, and that of extending the term of his lease at the present rent. As however this land is situate in the immediate vicinity of a growing village, and must be enhanced in value from this circumstance as well as from the farther cultivation of the petitioner, and as the Commissioners are informed that another term equal to the one now about to expire, and at the same rent now paid, would fully compensate the petitioner for all the improvements he has made, or which it will be necessary for him to make for the profitable occupancy of the premises, the extension of the lease, in all respects upon its present terms, has seemed to them the preferable mode of doing justice to the petitioner.

They therefore recommend that a law be passed authorising the Surveyor-General to renew and extend the lease now held by the petitioner, John Moore, for the term of nine years from and after the third day of April next: reserving the same rent reserved by the present lease, and in all other respects following the covenants, conditions, reservations and exceptions made and contained in the lease executed in pursuance of the act of the 3d April, 1821.

Pursuant to the same act of the 3d April, 1821, the Surveyor-General entered into another lease for the other Military Reserve, within the same mile square of land, consisting of thirteen acres,

with William McLaughlin. The rent reserved by this lease was only one dollar and thirty cents for each year of the term, and the rent was to commence on the third day of April, 1822, and the lease to expire on the 3d of April, 1831. The rent upon this lease also appears to have been punctually paid.

It appears by the petition, that McLaughlin was the owner of farm lot No. 6, in the St. Regis Reservation, which bounds upon the piece of ground leased by him as before mentioned, and is separated from the Salmon river by the leased lot; that there were improvements upon the farm-lot, and that McLaughlin improved the leased lot, and has, since the execution of the lease to him, erected a framed dwelling-house upon it. That McLaughlin is now deceased, and that the petitioner, who is his widow, with her family, occupies the house, and is the representative of his rights under the lease. The truth of the facts set forth in the petition is verified by the certificate of a number of the citizens of the neighborhood, and the Commissioners have no doubt the statements are correct. They further learn that McLaughlin has no house upon his farm lot, and that the house built upon the leased ground was designed as the residence of himself and family, and it is supposed that the house was located upon this land instead of his farm lot, to bring it near to the river.

The petitioner prays for the extension of the lease given to her husband, or for the pre-emptive right to the leased lot at its appraised value, exclusive of the improvements made upon it by her husband, and the object is to save the house and buildings. It is found that the farm lot owned by McLaughlin does not extend along the whole western boundary of the leased lot, but that other farm lots are also separated from the Salmon river by this military ground, and it does not seem to be necessary that the pre-emptive right to the whole thirteen acres should be granted to the petitioner, to enable her to accomplish the avowed object of her petition, that of saving the buildings erected upon it. These buildings are located upon the northerly part of the leased lot, in front of the farm lot owned by McLaughlin, and the grant to the petitioner of so much of the land held under the lease as should embrace those buildings, and all of that lot north of them, would seem to answer fully the purpose to be accomplished. This would probably not take more than three or four acres of the ground belonging to the State, and would leave the residue to be sold to the highest bidder, without any reservation of right to individuals.

The Commissioners have therefore concluded that a law should be passed giving to the petitioner the pre-emptive right to so much of the land held under the lease as shall include the ground upon which the dwelling-house and any other buildings connected with it stand, together with all the land north of the line which may be drawn at such a distance south of the buildings as to give room for their convenient use and occupation, and that the residue of the thirteen acres should be left the property of the state, free from any claim of the petitioner, and to be leased or sold by the Commissioners, as the interests of the state may dictate. The map of this lot will show that this is granting all which can be reasonably asked by the petitioner, and that a grant to her of the pre-emptive right to the whole lot might give her an undue advantage over the persons owning the other farm lots, separated from the river by this ground, and certainly would give to her the pre-emptive right to land in no way necessary to secure the buildings she occupies, or the convenient enjoyment of the farm lot left by her husband.

The Commissioners, from this view of the facts, recommend the passage of a law directing the Surveyor-General to cause a survey to be made of so much land from the northerly part of the said thirteen acres as shall be necessary to include the buildings of the petitioner and convenient grounds around the same, and all of the said lot lying north of the said buildings, the south line of the piece to be surveyed not, in any event, to be located to exceed rods to the south of the building, and to cause an appraisement of the present value of the land included in the survey to be made, excluding from the appraisement all buildings erected upon the land; and further directing the Surveyor-General to sell to the petitioner, Catharine McLaughlin, upon the usual terms of selling public lands, the lands to be included in such survey and appraisement, at the value so to be ascertained.

All which is respectfully submitted.

SILAS WRIGHT, Jr. *Compt.*

A. C. FLAGG, *Sec'y.*

SIMEON DE WITT, *Surv. Gen.*

GREENE C. BRONSON, *Att'y Gen.*

Albany, February 11, 1831.

IN ASSEMBLY,

February 11, 1831.

REPORT

Of the select committee on the petition of sundry citizens of Rochester relative to retail auctions.

Mr. Andrews, from the select committee to whom was referred the petitions of sundry citizens of Rochester, on the subject of retail auctions,

REPORTED :

That the petitioners—mechanics, manufacturers and merchants of the village of Rochester—ask relief from the great embarrassments and losses, to every regular trade and occupation, consequent upon the abuse of the auction law.

The complaint, so often preferred to the Legislature on this subject, from every part of the state, appears only to have encouraged greater impunity in the abuse, as the prospect of remedy became less probable, from the diminished energies of unsuccessful application ; and many persons holding commissions under the auction law have more boldly perverted it from its legitimate purposes, by appropriating to themselves its revenues and the advantages of its provisions, becoming sellers on their own account under all the facilities afforded by a privileged commission. So considerably have they increased its privileges by the perversion, as to find it profitable to maintain resident partners and agents in the metropolis, to purchase whatever might come to hand sufficiently cheap, prepared at the manufactories in Europe, or originated by the more fertile ingenuity of our own countrymen, expressly for the excited cupidity of this deceptive trade.

The office of auctioneer is not, then, what the law contemplated it should be, namely : an agency of the state to dispose of property forced to a sale by individual misfortune, or the more general revolutions of trade, at the same time it was made to contribute to the revenue of the state ; so far from fulfilling this wise and benevolent intention of the law, it has become the agent of individual cupidity, contributing to the state nothing in proportion to the injury it inflicts.

The petitioners complain of the evils to which we have alluded, so far only as they affect the business and prosperity of their own village ; and where, as by the Comptroller's Report, (to which they refer the Legislature,) the whole amount of duties paid the state during the whole of the last year was less than *eighty dollars*.

These evils, in their general or local operation, cannot, in the opinion of your committee, be reached by any inherent power in the law itself ; and your committee can suggest no remedy but by increasing the duties on articles retailed—making a tribute to the government some indemnity for the evils inflicted upon its citizens.

The committee have, therefore, directed their chairman to introduce a bill in conformity with the prayer of the petitioners.

IN ASSEMBLY,

February 11, 1831.

REPORT

Of the committee on the Militia and the public defence, on a resolution for increasing the salary of the Adjutant-General.

The committee on the militia and the public defence, to whom was referred the resolution to inquire into the propriety of increasing the salary of the Adjutant-General of this state and of repealing so much of the existing laws as allows compensation to division inspectors,

REPORTED:

That the Adjutant-General is allowed for his salary \$800, for clerk hire \$200, and such blank books, blanks and stationery as are required for the use of his office.

The sum allowed for clerk hire cannot be received unless a clerk is employed, and only when actually required and paid as a compensation for his services.

No office is allowed for the Adjutant-General: he is therefore, obliged to provide one at an expense of about \$100 per annum. Neither is he allowed furniture or fuel for an office; and these items may be estimated at about \$40, or \$50, per annum. Deducting these necessary expenditures from his salary, the actual compensation for his services does not much exceed \$650.

Of the services of the Adjutant-General the principal are:

1. Making out, countersigning, sealing and sending to their destination, between 5 and 6 thousand commissions annually. Of each
- [A. No. 152.]

of these a separate entry is to be made in a book, provided for the purpose and kept in his office.

2. Regulating the numerous changes in the organization of a military force of about 200,000 men, receiving all applications in relation thereto, and making a statement of each case for the decision of the Commander in Chief.

3. Examining all appeals from elections and courts martial to the Commander in Chief, and reporting upon the law and facts of each for his decision. The proceedings in these cases are often exceedingly voluminous and complicated, involving questions, which require minute and laborious examination.

4. Giving opinions upon questions of military law. Under this head, the correspondence of the office is very extensive. Whenever a doubt arises upon a point of law, detail, or discipline, the constant resort is to the Adjutant-General; and it is necessary that he should examine all these applications and answer them.

Until the year 1837, military commissions were made out and issued by the Secretary of State; and one clerk was employed a large portion of his time with this service. But upon its transfer to the Adjutant-General's office, only \$200 was added as an allowance for clerk hire. This is altogether inadequate to the additional labor. There are seasons of the year, in which the whole time of the Adjutant-General and his clerk is occupied for months together, in making out commissions and recording returns of elections, to the neglect, for the time, of the other duties of the office. The labor in this branch of service is constantly increasing with the augmenting population and military force of the state.

By this transfer of duty the Adjutant-General is compelled to reside in Albany. While it was performed in the State Department, he might reside at his usual place of abode, and attend to his professional business. He must now be permanently fixed at the seat of government, and is, of course, subjected to an additional burden of expense. His office, too, is one of constant employment. His intervals of leisure are neither of sufficient duration nor frequency to allow him to devote himself to any other steady occupation of business. It would, therefore, seem just that his compensation should be adequate to his support.

Under these impressions, your committee are of opinion that \$200 per annum, in addition to his present salary, would be no more than a fair compensation for his services.

They are of opinion also that an office should be provided and furnished by the State. The military records are annually accumulating; and, independently of the expense, to which the Adjutant-General is subjected, in providing for their safe keeping, it seems to your committee wrong in principle, that public records should be deposited in a private office, subject to removal with every change of custody. They do not perceive that this case is to be distinguished from the other offices connected with the executive functions of the government, and are therefore, of opinion that it should be put upon the same footing by providing a room in one of the public buildings, with necessary furniture and fuel.

Your committee have accordingly instructed their chairman to introduce a bill providing for these objects.

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IN ASSEMBLY,

February 11, 1831.

REPORT

**Of the committee on medical societies and colleges
on the memorial and petition of the New-York
Dispensary.**

The committee on medical societies and colleges, to whom was referred the memorial and petition of the New-York Dispensary,

REPORTED :

The New-York Dispensary was established in the year 1790, by a number of benevolent citizens, for the purpose of relieving such sick poor and indigent persons, as were unable to procure medical assistance, and derives its whole support from the donations of the humane and liberal, and they have gradually extended their acts of mercy to all who have applied, as far as their limited means would permit.

The Legislature, in 1795, passed an act conferring upon them the usual corporate privileges, and from that time to the present, they have regularly dispensed medical aid and advice to the children of poverty and wretchedness of every description.

The business of the dispensary has, until very recently, been conducted in a small and inconvenient building, with but one room, into which were very frequently crowded patients of every description under almost every variety of disease, producing many times perplexities and difficulties which could in no ways be obviated but by more enlarged and commodious apartments. They have, therefore, the past season erected a building suited to their wants and necessities, and have, from the sale of their stocks, and the lib-

eral donations of the city corporation and humane individuals, been enabled, in a great measure, to pay for the same, in which the business of the dispensary is now transacted, which will enable them to extend their usefulness and humanity.

It appears to your committee from the memorial and annual report of the trustees, that but little less than twenty thousand persons have been prescribed for, and experienced the benefits of this institution the past year, and that ninety thousand persons, with all the variety of diseases, to which man is subject, have been more or less the subjects of the dispensary. And it also appears that great numbers of those who receive this aid are foreigners, arriving in this country without the means of support, and who having paid hospital money, present their claims on the dispensary, as if it derived aid from that fund, and although as the petitioners state, and your committee verily believe, no aid from that or any other fund belonging to the state has ever been bestowed upon them, yet the applicants have in all cases enjoyed the benefits of the institution equally with our own citizens; being thus restored to health, and unoppressed with debt to which their sickness would otherwise have subjected them, they have oftentimes become industrious and useful citizens:

It appears also that the New-York dispensary has afforded much benefit to the country in arresting the contagion of that most loathsome disease, the small pox, for it is one of their regulations to visit every house in the city, and offer gratuitous vaccination to all, at least once in the winter of every year, by which many evil consequences to community have been prevented, at the same time affording genuine matter to all who may apply.

Your committee are of opinion that the dispensary ranks among the first of charitable institutions of the city and state, affording relief to thousands, in arresting contagion, and as a school of medicine for young practitioners, all of which are public benefits, and while other and not more deserving charitable associations have experienced the liberal bounty of the state, the prayer of the petitioners ought not to be overlooked, but that they should in some measure be relieved from their present embarrassments consequent to the erection of their buildings, and the increasing demand of the institution. If it be the duty of humanity to relieve the distresses and evils incident to poverty, how much stronger are its claims when to these evils are

added the pains and sufferings of sickness and disease in all their complicated forms.

Under these considerations, your committee are impressed with a belief that the prayer of the petitioners ought to be granted, and have therefore instructed their chairman to ask leave to introduce a bill.

IN ASSEMBLY,

February, 2 1831.

ANNUAL REPORT

**Of John Brace, an Inspector of Beef and Pork for
the county of Monroe.**

To the Honorable the Legislature of the State of New-York.

I, John Brace, do hereby certify, that the following is a true statement of provisions inspected by me during the year 1830, together with the fees derived therefrom, and the probable value thereof, viz:

38 barrels mess beef, value at	6 00 per bbl.	\$228 00
198 " prime "	4 00 "	792 00
95 half barrels mess beef, at	3 25 "	308 75
2 " prime "	2 50 "	5 00
55 barrels beef hams, at	8 00 "	440 00
7 " " necks, at	2 50 "	17 50
38 " mess pork, at	12 00 "	456 00
174 " prime "	8 00 "	1,392 00
43 half barrels mess pork, at	6 00 "	258 00
9 " prime "	4 50 "	40 50
1 barrel tainted " "	6 00 "	6 00

511 bbls. and 149 half bbls.	Probable value,	\$3,943 75
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My fees for inspecting 511 barrels at 15 cents per barrel,.	\$76 65
" " 149 half bbls. at 10 " "	14 90
" " trimming and pickling.....	66 00
	\$157 55

JOHN BRACE,
Inspector.

Bushnell's Basin, Monroe Co. Jan. 1, 1831.

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1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

IN ASSEMBLY,

February 2, 1831.

ANNUAL REPORT

Of Stephen W. Johnson, an Inspector of Domestic
Distilled Spirits for the city and county of Albany.

To the Honourable the Legislature of the State of New-York.

The report of the subscriber for inspecting domestic distilled spirits,
for the year past, ending this day.

Inspected 56,800 gallons of whiskey.

"	577	"	gin.
"	791	"	brandy.
"	153	"	rum.

58,321 gallons.

No. of casks 1,672, at 6 cents, \$104 50

Inspected by deputy, 127,538 gallons of whiskey.

1,400	"	gin.
294	"	rum.

129,232 gallons.

No. of casks 2,618, at 6 cents, 193 06

Total amount of fees, \$297 56

STEPHEN W. JOHNSON,

Inspector.

Albany, Feb. 1, 1831.

[A. No. 155.]

IN ASSEMBLY,

February 3, 1831.

ANNUAL REPORT

**Of Edward Hayward, an Inspector of Beef and Pork
for the county of Columbia.**

To the Honorable the Legislature of the State of New-York.

Agreeable to the act for the inspection of beef and pork, I transmit to your honorable body the amount of beef and pork by me inspected, for the year ending 1st January, 1831.

Mess beef,	36	barrels,	amount	\$306 00
Prime "	103	"	"	592 25
Mess pork,	18	"	"	261 00
Prime "	2	"	"	20 00
<hr/> Total 159				<hr/> Total \$1,179 25
<hr/>				<hr/>

EDWARD HAYWARD,

Inspector.

New-Lebanon, Jan. 29, 1831.

[A. No. 156.]

IN ASSEMBLY,

February 3, 1831.

ANNUAL REPORT

**Of Adam W. Youle, an Inspector of Beef and Pork
for the city and county of New-York.**

To the Honorable the Legislature of the State of New-York.

I have not inspected any beef or pork during the year commencing on the 1st day of Jan. 1830, and ending on the 1st day of Jan. 1831. I have of course received no fees or emoluments from my office, and have no information in my possession to communicate to the honorable the legislature.

All of which is most respectfully reported.

ADAM W. YOULE,
Inspector.

New-York, Jan. 30th, 1831.

[A. No. 157.]

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IN ASSEMBLY,

February 4, 1831.

REPORT

Of the committee on canals and internal improvements, on the petition of Charles Baker, Archibald Gilchrist and others.

Mr. Edmonds, from the committee on canals and internal improvements, to whom was referred the petition of Charles Baker, Archibald Gilchrist, and others, praying that they may be indemnified for damage sustained by a waste-weir on the Champlain canal near Fort-Edward,

REPORTED :

That the petitioners represent themselves to be the owners of lands, lying on the east side of the canal, and on the borders of Fort-Edward or Bond creek ; and that before the construction of the canal, that creek was a clear and free stream, running through those lands without interruption or injury, except from occasional freshets. In laying out the canal however, it became necessary to lead that stream into the canal, whence it is discharged upon their lands by a waste-weir, directly opposite its entrance.

The petitioners allege, that in consequence of this arrangement, the stream has become uncertain and changeable in its passage through their lands : that in its bed, earth and drift-wood have been deposited, and willows and weeds have grown up apace, until at length, the free passage of the water has been obstructed. At some times, the quantity of water, passing over the waste-weir, is so small, that it cannot without great difficulty find a passage over the

once free bed of the stream ; and at other times, it is so great, that it dams up and flows back upon the petitioners' lands, destroying their crops and leaving several hundred acres covered with stagnant and unwholesome water.

From all this, it appears very clear to your committee, that the petitioners have sustained serious injury : but, that the State ought to make good their loss, does not appear so evident.

If the State had conducted water to the lands of the petitioners, where none had flowed before, and they had thereby sustained injury, they would have a full right to demand ample reparation at our hands, and the State could then with great propriety be called upon either to leave the injured persons in their former situation, or to make a free passage, whereby the waters might pass off. If the State should once construct such a passage, your committee apprehend that there their duty would cease, and it could not with propriety be expected, that the State should be ever after at the expense of keeping it open.

In the present case, it is true, the State dug out no such passage, for the simple reason that such an one had already been furnished by nature, amply sufficient for the desired purpose ; and it could, in no point of view, be considered the duty of the State to keep it always open. It was the bed of a natural stream, which had not been touched by the State. The water had once run in it, and water was continually supplied for the same purpose. If the canal had never been located there, and such obstructions to the stream had grown up under the view of the land owners around, but one alternative would have been presented to them ; either to bear the injury, or remove the evil by their own labor. Good husbandry would then, as now, have dictated the latter course. They surely, in such a case, could not have called upon the State for remuneration.

Your committee can see no difference in the cases, or in the result. They are constrained to believe that the evil has arisen rather from neglect or misfortune, than from any act of the State or its officers. And they cannot conceive of any principle of justice or equity, which calls upon the great body of the people to compensate to individuals the evils which arise from their own folly or misfortune.

Your committee, therefore, think the prayer of the petitioners ought not to be granted ; and they recommend the adoption of the following resolution :

Resolved, That the prayer of the petition of Charles Baker, Archibald Gilchrist and others, be denied, and that the petitioners have leave to withdraw their petition.

IN ASSEMBLY,

February 4, 1831.

REPORT

Of the committee on roads, bridges and turnpike companies, on the petition of Henry Barclay.

Mr. Fowler, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies; to which was referred the petition of Henry Barclay,

REPORTED—

The petitioner alleges, and has adduced a certificate signed by a number of respectable gentlemen of the town of Saugerties and other towns in the county of Ulster, to establish the fact, that the aforesaid Henry Barclay has purchased of Solomon Roosa the charter granted to him by the Legislature on the 16th day of April last, and the bridge that the said Roosa built across the Esopus creek in the town of Saugerties aforesaid, under the said charter; and has at a great expense removed the bridge about half a mile further down the creek, near the lowest falls, where it better accommodates the inhabitants and the public in general: that two very bad hills are avoided by the removal. That the bridge, which was built twelve feet wide and no separation betwixt the parts for foot passengers and teams, is now increased ninety-six feet in length and ten feet in breadth; has separate tracks for teams coming and going, besides an ample path for foot passengers, divided from the team track by a strong partition. Under the aforesaid statement of facts, the petitioner prays that the Legislature will so amend the aforesaid act of incorporation as to authorise the said Solomon Roosa, or his assigns, to maintain the aforesaid bridge at the place of its present location; and grant him, or his assigns, an exclusive privilege by

prohibiting any other person from building a bridge, or keeping a ferry within three hundred and fifty yards from the place the bridge is now located, and also to prohibit persons from riding or driving over said bridge faster than a walk.

Your committee are of opinion that the prayer of the petitioner is reasonable and ought to be granted, and have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

February 4, 1831.

ANNUAL REPORT

**Of Dennis Belding, an Inspector of Beef and Pork
for the city of Troy.**

To the Honourable the Legislature of the State of New-York.

I, Dennis Belding, inspector of beef and pork, residing in the city of Troy, in the county of Rensselaer, hereby report, that since the first day of February, 1830, I have inspected under and by virtue of my said office,

1,388 barrels mess pork, valued at.....	\$14 per bbl.	\$19,432 00
2,358 " prime " "	10 "	23,580 00
		<hr/>
		\$43,012 00
		<hr/>

DENNIS BELDING,
Inspector.

Troy, Feb. 1st, 1831.

[A. No. 160.]

IN ASSEMBLY,

February 4, 1831.

ANNUAL REPORT

**Of John C. Donnelly, an Inspector of Hops for the
city and county of Albany.**

To the Honorable the Legislature of the State of New-York.

The inspector of hops, for the city of Albany, submits the following as his annual report. Inspected from the following counties, viz:

	Bales.	First sort.	2nd sort.	3d sort.	Refuse.
From Madison county,	372	71,748	8,875	231	
“ Oneida “	144	28,778	4,640	.....	1,208
“ Otsego “	29	10,757			
“ Chautauque county, .	23	2,167	185	1,501	1,299
“ Cattaraugus “ .	16	1,587	1,781	812	
“ Tompkins “ .	11	.....	2,728	.....	292
“ Chenango “ .	9	1,393			
“ Herkimer “ .	2	.....	412		
	606	116,430	18,621	2,544	2,793

No. of bales,..... 606

116,430 pounds first sort.

18,621 “ second sort.

2,544 “ third sort.

2,793 “ refuse.

140,388

Fees,.....	\$140 39
Deduct store rent and expenses,	60 00
	<hr/>
	\$80 39
	<hr/>

The hop market opened the last season at one shilling the pound, and maintained that price until near the close of the season, when they gradually advanced to sixteen cents: although but a small quantity sold at the last mentioned price. The quality of hops has not been so good as ought to have been from the natural growth; in consequence of not having been properly cured. Some few lots from Madison, and one particularly, from Otsego, (counties,) were as fine a quality as can be raised and cured. All which is respectfully submitted by your obedient servant,

JNO. C. DONNELLY,

Inspector.

Albany, February 2, 1831.

IN ASSEMBLY,

February 4, 1831.

ANNUAL REPORT

**Of Jasper S. Keeler, an Inspector of Flour for the
city and county of Albany.**

To the Honorable the Legislature of the State of New-York.

Statement of flour inspected in the city of Albany, for the year
1830.

42,136 barrels superfine flour.

563 " fine flour.

1,027 half barrels flour.

43,726

Amounting in the whole to 43,726 barrels.

Fees at 2 cents per barrel, \$874 52

Of this amount is to be deducted the expenses, which is. 200 67

JASPER S. KEELER,
Inspector.

Albany, February 3, 1831.

[A. No. 162.]

IN ASSEMBLY,

February 4, 1831.

ANNUAL REPORT

Of Ebenezer Higgins, an Inspector of Sole Leather
for the county of Monroe.

To the Honorable the Legislature of the State of New-York.

In compliance with an act of the Legislature in such case made and provided, I, Ebenezer Higgins, an inspector of sole leather for the county of Genesee, do make report as follows:

That during the time from the 1st of August last past, the time when I began to inspect, and ending on the 1st day of January, 1831, I have inspected 1, 124 sides bearing the inspection mark, good,
36 sides damaged.

1, 160 sides.

Fees for inspecting 1, 160 sides, at 4 cents per side,	\$46 40
Horse hire and expenses,	10 00
	<u>\$56 40</u>

The weight of 1, 160 sides is 20,405 pounds, at 23 cents per lb, amounts to \$4,693 15.

That the manufacturers are improving in the qualities of their leather, and it is believed sole leather will be manufactured in this county soon, if not now, equal to any in the state.

Given under my hand, this 20th day of January, 1831.

EBENEZER HIGGINS,
Inspector.

IN ASSEMBLY,

February 4, 1831.

ANNUAL REPORT

Of Ebenezer L. Boynton, an Inspector of Beef and
Pork for the city of Troy.

To the Honorable the Legislature of the State of New-York.

I, Ebenezer L. Boynton, an inspector of beef and pork, residing in the city of Troy, in the county of Rensselaer, do certify and report, that since the first day of February, 1830, I have inspected

3,951 barrels prime beef, valued at.....	5 50 per barrel.
1,927 " mess " "	8 50 "
112 " cargo " "	4 00 "
87 " necks " "	2 50 "

6,077 barrels; and that during the time aforesaid I have inspected

815 barrels prime pork, valued at.....	\$10 50 per barrel.
356 " mess " "	14 00 "
24 " cargo " "	6 50 "
3 " sour mess pork, valued at.....	9 00 "
3 " " prime "	5 25 "

1,301 barrels in the whole, of beef and pork.

7,278 bbls. at 15 cts. per bbl. for inspection, amounts to \$1,091 70

E. L. BOYNTON,
Inspector.

Dated, Troy, Feb. 1, 1831.

[A. No. 164.]

IN ASSEMBLY,

February 4, 1831.

ANNUAL REPORT

**Of George Smith, an Inspector of Beef and Pork
for the city of Troy.**

To the Honorable the Legislature of the State of New-York.

I, George Smith, inspector of beef and pork, residing in the city of Troy, county of Rensselaer, do hereby certify and report, that since the first day of February, 1830, I have inspected under and by virtue of my said office, 1,423 barrels of pork, as follows:

591	barrels	mess	pork.,
765	"	prime	"
67	"	cargo	"

Total 1,423 barrels; and also since the first day of Feb. 1830, I have inspected 19 barrels beef, as follows:

8	barrels	mess	beef,
11	"	prime	beef,

Total 19

GEORGE SMITH,
Inspector.

Troy, January 31, 1831.

IN ASSEMBLY,

February 5, 1831.

REPORT

Of the committee on the erection and division of towns and counties, on the petition of inhabitants of the town of Groton, Tompkins county.

Mr. Remer, from the committee on the erection and division of towns and counties, to whom was referred the petition of sundry inhabitants of the town of Groton, in the county of Tompkins,

REPORTED—

The committee have had said petition and remonstrance under consideration, and find that said town at present is ten miles long, and five miles wide, and contained a population in 1825 of 3,458: that in case said town is divided as prayed for in said petition, it would leave the present territory and population in two nearly equal parts. That said town, as stated in said petition, is broken into ranges of hills and valleys, running north and south, which in connection with the length of the town, must, in the opinion of the committee, subject many of the inhabitants thereof to serious inconvenience in the transaction of their town business.

The committee, on examination, find that the number of persons remonstrating, are about equal to the number of petitioners; but it is stated that a large portion of those who signed the remonstrance, live in and about the centre of the town.

The committee are therefore of the opinion that the prayer of the petitioners ought to be granted. They have prepared a bill, and directed their chairman to ask leave to introduce the same.

[A. No. 166.]

IN ASSEMBLY,

February 5, 1831.

REPORT

Of the committee on grievances, on the petition of
Gustavus A. Farwell and Eldridge Farwell.

Mr. Birdsall, from the committee on grievances, to whom was referred the petition of Gustavus A. Farwell and Eldridge Farwell, praying to have the damages of a certain judgment recovered against them as special bail by the people of the State of New-York, released,

REPORTED—

The petitioners represent that the judgment from which they ask to be relieved, was recovered against them as special bail for one Isaac Farwell, in an action or a recognizance for his appearance as a witness at the Ontario general sessions. That at the return of the *capias*, the petitioners were unable to surrender the defendant, on account of extreme sickness under which he then labored. That judgment was accordingly rendered against them, and an execution recently issued upon it, under which all their personal property, amounting to about seventy dollars in value, has been seized. That the petitioners are in low circumstances, and that one of them has a family, consisting of a wife and six small children, dependant on him for support; and they pray to be relieved from the judgment, on paying all costs that have accrued.

When representations are evidenced by the affidavit of the petitioners and some other documents, your committee have no reason to question their truth. They have moreover taken the precaution

to communicate with the district-attorney of Ontario county, on the subject of the petitioners application, and have not learned from him any objection to the relief proposed. The committee have therefore instructed their chairman to ask leave to introduce a bill.

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